

THE PUBLIC LENDING RIGHT: UNITED STATES PROSPECTS

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THE PUBLIC LENDING RIGHT: UNITED STATES PROSPECTS

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FOR DANIEL, LAURA, FREDERICK, AND WENDY  
WITH SPECIAL THANKS TO JOSEPH AND ROBERT

REPORT

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THE UNIVERSITY OF TEXAS AT AUSTIN

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## TABLE OF CONTENTS

Introduction .....	1
Purposes and Development of the Public Lending Right .....	3
<b>THE PUBLIC LENDING RIGHT: UNITED STATES PROSPECTS</b>	
Characteristics of Public Lending Right .....	7
The Public Lending Right Debate .....	13
Alternatives to the Public Lending Right .....	16
<b>by</b>	
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Legal and Copyright Issues in the Public Lending Right .....	18
History of Establishment of the Public Lending Right .....	21
Prospects for Implementation of the Public Lending Right in the United States .....	48
Summary and Conclusions: Is a Public Lending Right	
Possible in the U.S.? .....	63
<b>REPORT</b>	
Notes .....	67
Appendices .....	75
Bibliography .....	86
Vita .....	91

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Introduction .....	1
Purposes and Development of the Public Lending Right.....	3
Characteristics of Public Lending Right Schemes .....	7
The Public Lending Right Debate .....	13
Alternatives to the Public Lending Right .....	16
Legal and Copyright Issues of the Public Lending Right.....	18
History of Establishment of the Public Lending Right.....	21
Prospects for Implementation of the Public Lending Right in the United States.....	48
Summary and Conclusions: Is a Public Lending Right Possible in the U.S.? .....	63
Notes.....	67
Appendices.....	75
Bibliography .....	86
Vita.....	91



## The Public Lending Right: United States Prospects

### Introduction

The concept of the public lending right (PLR), the idea that authors are entitled to be compensated for the multiple uses of their books in libraries, is a relatively new issue of public policy in librarianship and in authorship. There have been substantive movements toward the public lending right for about forty years, and it has been adopted in eleven countries. Two major issues have dominated the movement: authors' struggles to gain acceptance for the emerging idea that the borrowing of a copyrighted work from a library constitutes a use for which the author has a right to be compensated, and efforts to implement the idea in a form that would satisfy the practical requirements of the complicated national and international worlds of libraries, books and politics.

The term *public lending right* was coined by British author Sir Alan Herbert in 1959, after an analogy to the public performing right. However, there is not universal agreement on the nature of the "right" or of the term. While this term has gained general acceptance in English-speaking countries, the concept is also known by other terms, including "library compensation" or *forfattarpenning*, "author's coin" in Sweden. In West Germany, the term *Bibliothekstantieme*, "library royalty" is used. In the United States, some authors' groups prefer the term "authors lending royalty," or ALR.

Since Denmark established the first PLR system in 1946, ten other nations have implemented a public lending right. Ten countries continue to maintain a PLR system (the Netherlands suspended its PLR program in 1983), but the idea is still new to the United States. The object of this report is to explore the feasibility of the implementation of a public lending right in the U.S. To arrive at a conclusion to the PLR question, the purposes and development of PLR and its models will be described, and issues in the PLR debate will be explored. Legal and copyright issues will be addressed. Brief



histories of PLR movements in countries in which it has been adopted will be drawn, with descriptions of relevant activities of writers' and library organizations and interest groups. The U.S. PLR movement and problems and prospects of PLR implementation in the U.S. will be discussed, and a final conclusion will be drawn.

In affirming the "right" of authors and other creators of published works to receive compensation or royalties on works loaned by publicly supported libraries, the rationale is deceptively simple: "Just as a composer or a dramatist receives payment under performing rights legislation whenever his work is performed in public, so authors have fought to establish their right ... to receive a payment (sometimes called a library or lending royalty) when books are borrowed by public library readers."<sup>1</sup> From the viewpoint of some authors, PLR is neither patronage nor charity; it is a matter of natural justice, a right based ultimately on copyright to fair payment for use due to authors for the multiple exploitation of their books through libraries. Some PLR proponents argue that while technological developments are bringing about a communications revolution in which it is becoming increasingly difficult to protect copyright owners against infringements of their intellectual property rights, similarly changed conditions in the marketing of books brought about by the scale of free borrowing through public libraries has eroded the value of authors' and publishers' rights in copies. Some authors assert that the uncompensated multiple use of an author's text through a public library is undermining his copyright as surely as when a reader photocopies all or part of the author's work without making payments to him.

Books and other library materials are the only commodities that can be borrowed free by almost any member of the public. While there is no adequate comparison by which to determine the effect that the option of a loan may have on one's desire to pur-



## Purposes and Development of the Public Lending Right

In each country where the public lending right has been adopted, it was intended to accomplish three specific purposes, with varying degrees of emphasis: 1) to grant to authors their "right" to benefit from library loans of their works, 2) to provide a kind of social security for writers in poor financial circumstances, and 3) to assist in the survival of a national literature. Three principles are at issue in these purposes: a principle of copyright, a principle of social policy, and a principle of cultural policy.

In affirming the "right" of authors and other creators of published works to receive compensation or royalties on works lent free by publicly supported libraries, the rationale is deceptively simple: "Just as a composer or a dramatist receives payment under performing rights legislation whenever his work is performed in public, so authors have sought to establish their right ... to receive a payment (sometimes called a library or lending royalty) when books are borrowed by public library readers."<sup>1</sup> From the viewpoint of some authors, PLR is neither patronage nor charity; it is a matter of natural justice, a right based ultimately on copyright to fair payment for use due to authors for the multiple exploitation of their books through libraries. Some PLR proponents argue that while technological developments are bringing about a communications revolution in which it is becoming increasingly difficult to protect copyright owners against infringements of their intellectual property rights, similarly changed conditions in the marketing of books brought about by the scale of free borrowing through public libraries has eroded the value of authors' and publishers' rights in copies. Some authors assert that the unrecompensed multiple use of an author's text through a public library is undermining his copyright as surely as when a reader photocopies all or part of the author's work without making payments to him.

Books and other library materials are the only commodities that can be borrowed free by almost any member of the public. While there is no adequate comparison by which to determine the effect that the option of a loan may have on one's desire to pur-



chase a book, this rationale has been used in some countries to support the adoption of PLR.

Surveys of authors in several countries have indicated that writers' incomes are considerably less than the national average, with few authors able to make a living solely from their writing. Some nations, notably Sweden, Iceland, and West Germany, have combined PLR with funding of welfare provisions for authors. Because professional, full-time writers are self-employed, normally they do not receive health insurance or pension contributions paid jointly by employer and employee. Within the PLR programs of these three nations, social welfare purposes are served by specific provisions concerning pensions, grants, scholarships, awards, and assistance to needy or elderly authors. A PLR program can also provide a regular source of income from uses of their past works to writers who are always pressured toward the production of new works to survive.

Nations with a small population, a living language, and a literary heritage have found in PLR a means of assisting and encouraging native authors for whom their limited national market might not otherwise provide adequate income. The Danish and Swedish PLR systems were implemented for this specific purpose. The protection of indigenous culture thus is supported by adoption of PLR programs.

According to Thomas Stave, in spite of inconsistencies within the underlying philosophy and principles of PLR, several sets of events at the beginning of the 20th century combined to provide PLR with a hospitable environment: 1) the development of public libraries, 2) a broadening of the copyright umbrella, 3) an increasing willingness of governments to provide public funds for the support of cultural affairs, 4) a rising awareness in some countries of the need to protect and nourish a national culture and language, and 5) a growing trend toward collective activism among individuals with similar economic interests.<sup>2</sup>

In Britain, the public library movement had its origins in 1850 with the Public Libraries Act. After World War II, public libraries became the primary providers of



books to middle-class readers, thus supplanting the subscription libraries which had served wealthier Britons since the seventeenth century. And while the existence of the public library stimulated the publication of many books which would not have been published without this guaranteed market, the economics of publishing resulted in a situation where most British authors earned very little for their writing. Australia's first free public library opened in 1856, but legislative authorization for public library service in the states of Australia did not come until the 1940s and 1950s. Public libraries in Denmark began in the early 1800s, and although they were well established in that country by 1920, their greatest expansion occurred after the late 1940s. Denmark is of particular interest because in 1946 it became the first nation to put a PLR scheme into effect.

According to Stave, in tandem with the development of public libraries came the movement to broaden the scope of copyright to more classes of intellectual property and to a greater range of uses. Copyright became part of statutory law in Britain in 1710 with the Statute of Anne and in the United States in 1790. However, it was the nineteenth century before prints, musical compositions, photographs, works of fine art, and translation and dramatization rights became protected. The right to public performances of musical works was guaranteed to the copyright holder in Britain in 1842 and in the United States in 1897. It is to the right of copyright that the strongest PLR comparison has been drawn, because according to some writers, the acts of performing a work in public and of providing copies of it for public use constitute forms of repeated use from which the creator should be entitled to benefit.

The changing sociopolitical environment and the willingness of some governments to provide a variety of encouragements for creative artists have been a factor in the development of PLR. In most countries where PLR has been implemented, this form of compensation is only one element of public grants, tax relief measures and other forms of assistance to artists, writers, and performers. In the Scandinavian countries, such assistance is tangible evidence of public policy which has as its political goal a general improvement in the standard of living.



In all countries except Great Britain, adoption of PLR was a positive action to assist in the survival of a national literature and to protect an indigenous culture in danger of being eclipsed by larger or more powerful neighbors. These countries are encouraging their native writers by protecting their interests and by providing economic incentives to allow them to continue their work.

While Britain was not at risk culturally, the perseverance of several organizations of writers, principally the Society of Authors and its offshoot, the Writers Action Group, or WAG, kept the PLR issue alive through almost thirty years of debate, ploy, and counterploy. Evidence from Britain and from Denmark, where the Danish Authors Association played an activist role; from Australia, where the Australian Society of Authors worked toward achievement of PLR; and from Canada, where the Writers' Union kept the PLR issue before public and politicians, points toward the labor movement as a source of inspiration for these writers' groups.

One of the most significant determinants of eligibility, a requirement for nationality or residency in a particular country supports and protects native writers. Indeed, all but one of the PLR schemes in operation require some qualification of nationality or residency before an author will be recognized as eligible for PLR payments. The West German PLR system is the only one that nominally makes no conditions about nationality or residence, because the scheme was instituted under creator's right or copyright law and is therefore subject to international copyright conventions. However, in practice restrictions are imposed by the statutory provision that the right can be exercised only through a collecting society, and only citizens and resident authors are eligible to have their PLR payments administered by one of the German literary collecting societies.

A second issue is who is to be considered an author. The U.S. copyright law broadly defines the term "author" as the originator of a copyrightable work. This includes not only writers but also photographers, translators, cartographers, artists, illustrators, etc. There is no agreement on this issue among PLR countries, and it is in



## **Characteristics of Public Lending Right Schemes**

There is great variety in the ways in which PLR programs are structured. Basic features of PLR schemes include criteria for eligibility of authors and of publications; determination of a basis for computing payments as well as amount and method of payments; designation of a source of funds; and establishment of a clearinghouse, registry, or agency to administer the program. The only feature common to all existing PLR schemes is that payments to authors come from the government.

### **Eligibility of Authors**

Criteria for eligibility of authors and other contributors to published works for PLR payments are based on a variety of factors. These factors include 1) nationality of an author, 2) scope of the definition of "author", and 3) handling of collaborative works.

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designating eligibility on this basis where some of the most diverse decisions have been made. A related issue is that of co-authorship, whether authors who collaborate to produce a work may qualify at all for PLR, and how much an author must have contributed to be considered a co-author. Yet another question is whether publishers should receive payments under the PLR scheme. They are included in PLR in Australia and West Germany but are excluded in Canada, Scandinavia and New Zealand.

### **Eligibility of Publications**

In determining eligibility of publications, PLR is usually applied specifically to books, rather than to other materials such as recordings, because books still remain overwhelmingly the major subject of libraries' activities. Most countries with PLR programs admit only the traditional book to eligibility. Even so, as nonprint media increasingly becomes the format authors choose to use, the less logical the limitation to books becomes. Within all PLR schemes, individual books are designated eligible or ineligible for PLR on the basis of principle or practicality. For example, limitation to copyrighted works; limitation to books written in the vernacular language; limitation to works by single authors or by no more than a specified number of joint authors; limitation to works of belles lettres; limitation to books circulated only outside of a library; and limitation to publications of no less than a specified number of pages are common restrictions on PLR eligibility.

### **Payments**

There are three bases on which the amount of PLR payment per title can be calculated. PLR systems in operation are fairly evenly divided, however, between the first two. In the first method, the stock-census or shelf-fee method, payment is proportional to the number of copies of a specific title in libraries' stocks during a specific period of time. Because this scheme was first implemented in Denmark, it is known as the "Danish model." In the second method, the loans-based method, payment is proportional to the total number of loans made of a specific title during a specific period of time. This method has become known as the "Swedish model" because Sweden calculates its payments in part from an annual sampling of loans. In the third method, in



effect in only in Norway and Finland, payments are based on the amount of government aid received by libraries.

The stock-census or shelf-fee method pays an author for the availability of a title in libraries and bears no relation to the use of the title in those libraries. This method operates in Denmark, Iceland, New Zealand, Australia, and Canada, which have small populations and, in relation to population, small or medium-size library networks. The loans-based method, which pays an author for the loan of a title, operates in Sweden, Great Britain, and West Germany. Sweden and Great Britain have exceptionally large library networks in relation to population. Although counting the number of loans produces the most relevant measure because it is strictly related to use, because the cost of collecting and processing all records of all loans made from all libraries would be prohibitive, most loans-based systems only project the total number of each title's loans from a sample of loans. Therefore, in most countries an author's PLR payments depend not on the total number of loans of his work but on the number of loans made of it by libraries in the sample. While sampling methods vary in their degree of accuracy, such a scheme is most accurate when computer applications are employed as they are in Great Britain.

Method of payment varies in PLR schemes. In some countries, disbursements are made to an authors' union or society similar to performing rights societies such as the American Society of Composers, Authors, and Publishers (ASCAP). The society is then responsible for administering payments. In Norway, the money is used for scholarships and other social purposes and individual payments are not made. In Finland and Iceland, funds are divided between direct payments to authors and a social fund. In West Germany, payments are made by collecting societies to authors. Direct payments from an administering agency are made in Australia, Canada, Denmark, Great Britain, New Zealand, and Sweden.

No matter which basis is used for calculating PLR benefits, the number of loans or library acquisitions, experience with all PLR systems shows that the largest payments will be made to the most widely read authors, writers of best sellers who may



not need the money. Authors of scholarly works will not receive as much PLR compensation as writers of popular fiction. PLR schemes guard against the administrative problem of making large numbers of small payments by establishing a minimum payment per author. Most loans-based schemes also have established a maximum payment per author. However, this limitation results in a paradoxical situation because the schemes go to some trouble and expense to establish precise amounts earned in relation to loans and then cut off payments at an arbitrarily imposed limit.

The issue of which libraries to include in a PLR scheme is critical to its scope and mode of operation. In all countries which have considered and implemented the public lending right, the debate has centered on public libraries. If the money to fund PLR is to come from library users, including a maximum number of libraries should increase writers' benefits. If academic and special libraries are included, payments to authors of scholarly works should increase. However, problems of data collection are further complicated as additional types of libraries are added. The Danish and Swedish PLR systems include school libraries in addition to public libraries. In these countries, authors of school texts may benefit the most from PLR. In determining whether to include academic libraries, the question of public or private funding of the institution may be a consideration. The Canadian PLR system includes some public libraries and some academic libraries which are selected to represent both English-speaking and French-speaking libraries.

### **Funding Source**

Three primary possible methods of funding a PLR scheme include a levy on individual borrowers, a levy on libraries, and government funding. A levy on users is the most logical method but would be by far the most difficult and expensive to administer. The practical problems of collecting fees and transferring money to a central clearinghouse are considerable, but the most serious objection to this method of payment is that it will discourage some readers from using books and may influence some users' reading patterns. Most importantly, the notion that the user of a library book should pay for the privilege is diametrically opposed to the longstanding philosophy and mission of free public libraries. Although the idea that information should be paid



for is more acceptable than a decade ago and user fees, particularly for computer searches, have been instituted by many publicly funded libraries, there is a great deal of resistance to the idea of charging users a fee to read books purchased with public funds. Implementing such charges would disenfranchise the poorest readers, a contradiction in a country such as the U.S. which expends vast resources for public education. Most authors do not want payments to come from borrowers, in any case.

Another funding alternative is for PLR monies to come from libraries' budgets. Although this model would not place responsibility for payment on the user of a book, it could be considered a welfare model where publicly funded libraries pay for benefits accruing to users. This system would be easier to administer than direct user fees, but it would have a devastating effect on library budgets given the financial condition of many public libraries today. While demands for services increase and sophisticated technology is required to maintain library operations and to provide access to information for users, budgets in many localities remain stagnant. Libraries' purchasing power has also declined as it has been affected by inflation and, in the U.S., the declining value of the dollar. Many writers who are strong library supporters would oppose any PLR scheme that reduced library budgets because this would work against both readers and writers.

Central government funding is in most respects the simplest and least objectionable system of PLR funding. Collection of money from a large number of sources is avoided and the program does not directly affect readers or libraries. However, in considering PLR, librarians have been concerned that government funds used to compensate authors, while not coming directly from libraries or library users, will become an agent of increased competition between authors and libraries. Most governments have a limited amount of funds to devote to cultural development, and conflicts may result from competition whether from the same agency that provides support to libraries or from another agency. As noted previously, the only feature shared by all PLR schemes is that payments to authors come from the government.



### **Administration**

Under any PLR system, an administrative clearinghouse or agency is required to register eligible authors and their works; to collect data from libraries regarding loans, stock, and/or acquisitions; to collect and analyze data; to determine amounts to be paid to registered authors; to make payments; to compile statistical reports; and to monitor the system. Administrative costs take between five and ten percent of the amounts allocated to PLR schemes.<sup>3</sup> In Denmark, Sweden, Finland, Iceland, New Zealand, Australia, Great Britain, and Canada a government agency or commission serves as the administrator of the country's PLR program. In Norway and West Germany, collecting societies administer the funds.



## The Public Lending Right Debate

The debate over the public lending right has been lengthy, emotional, intense, and occasionally acrimonious. While nationalistic in most applications, the idea also has implications for international policies and relations. The basic idea is concerned with a matter of moral principle: Is recognition of this right claimed by authors a matter of simple justice? Or is it only an attempt to justify action to alleviate the economic hardships suffered by many authors?

While authors may view PLR as a natural extension of copyright or as a natural analog of public performing rights, neither analogy is entirely convincing. Both copyright and performing rights differ from PLR in that both are based on the crucial element of reproduction. The purchaser of a book has a legal right to do almost anything with it as long as he does not reproduce it. Therefore, PLR cannot be considered a "natural" right. It is also apparent that the establishment of PLR can create a conflict with libraries' legal rights.

The longstanding argument for PLR which pairs the moral and legal claim for the right itself with the economic claim of deprivation of royalties is a major issue. George Piternick and Samuel Rothstein summarize the author's view of the problem: Authors' proprietary rights in their own creations are being unfairly infringed upon chiefly by public libraries which lend these books freely, and the effects of these infringements are so large as to deprive authors of their livelihoods or to reduce significantly the royalties they would receive from private purchase of their books.<sup>4</sup> However, librarians question the validity of the claim that writers' incomes are adversely affected by library loans of their books, and the claim remains just that; there is no real proof. Although librarians and library organizations have opposed PLR, they have supported reasonable financial rewards for authors.

In questioning the unsubstantiated contention that authors' potential income is significantly reduced by the availability of books through libraries, librarians maintain



that libraries provide a dependable and inexpensive showcase for the book trade and the publishing industry. By bringing books to the public's attention and by promoting reading, libraries actually encourage private book buying. Librarians also argue that the economics of publishing depend on substantial and continuing purchases by libraries. In many cases, libraries underwrite publishers' risks because regardless of public acceptance of works, particularly works by new and unknown authors, libraries must maintain balanced collections. Although no studies have been done on this issue, book jobbers indicate that in the U.S. at least, libraries are a major source of revenue.<sup>5</sup> The respect accorded to the library market in the U.S. is evident in the large number of publishers' exhibits on display at conferences of state and national library associations.

There is little justification for limiting the public lending right to public libraries and to books if it is accepted that under the PLR principle of an expanded concept of public ownership, the community has a continuing obligation to the originator of a creative work. If PLR uses lending as a basis, it should include the lending of nonbook materials such as records, tapes, art reproductions, microforms, and computer software, which are an important aspect of library services. Limiting PLR to public libraries ignores library services in educational institutions, in business and industry, and in other institutions. Absolute fairness would dictate the rewarding of authors for purchases and loans by these institutions as well.

Librarians have also pointed out that PLR by its nature benefits a minority of established, wealthy, and popular authors. The PLR experience in Great Britain and other countries reflects this phenomenon. Librarians' prevailing concern is that authors who receive meager PLR rewards will lobby for greater library royalties, resulting in a shift of the financial burden of PLR to local authorities and the eventual abandonment of free library service.<sup>6</sup> A related issue of particular concern to librarians is that there is no clearly demonstrable correlation between the popularity and the literary value of a work.

Further arguments against PLR are that authors struggling to produce works of significant public value will be discouraged if noncirculating and reference books are



not included in a PLR scheme, and that contributors to journals may instead opt for publication in pamphlets or similar formats to qualify for PLR payments. However, most authors who publish in national scholarly and specialized journals do so for professional prestige and would receive such a small royalty for a short work that this is not seen as a significant problem.

Finally, librarians argue that authors should direct their energies to improving publishing royalties rather than targeting libraries and the library profession, which are themselves in a vulnerable position.



## Alternatives to the Public Lending Right

While they oppose the concept of PLR, librarians recognize the fact that most published authors are not well rewarded for their efforts. The lucky few may become wealthy but only a small number can depend on their craft to make a living. Some alternative remedies to this situation have been suggested. George Piternick categorizes them as 1) delay of library purchases, 2) special pricing of library books, 3) direct tax relief, 4) augmentation of royalty income, and 5) augmented programs of literary rewards.<sup>7</sup>

Libraries might refrain from purchasing books during their period of maximum sales when their circulation may damage authors' interests. However, this idea does not address the problem of how such a policy would align with libraries' stated purpose to provide information to users in a timely manner, and how to deal with the realities of publishing when many titles go out of print very quickly and may not be available for purchase long enough for libraries to acquire them.

A system wherein books sold to libraries would be sold at higher prices to libraries, with the increase accruing to authors, is another alternative. The idea has a precedent in that libraries already pay more than individual subscribers for some periodical subscriptions. But the effects on library budgets could be serious, resulting in a decrease in materials purchased and made available for readers.

Excluding royalty income to a specified amount from income taxation would help authors by providing in effect an increase in royalties. This scheme would not benefit authors who do not earn enough to owe any income tax, however.

Relief to authors could also be achieved by augmentation of normal royalty payments, either as a direct result of agreements between authors and publishers or by government involvement. Matching royalty payments with government grants could be a feasible option in some countries.



### Legal and Copyright Issues of the Public Lending Right

Systems of literary prizes, awards, fellowships, sabbaticals, and other programs are in place in many countries. Expansion of these programs would greatly encourage authors, particularly those who are unknown and promising. However, standards of quality and social and cultural importance would need to be determined, and value judgments would need to be made to assess the worth of authors' contributions to society. Although the difficulties in arriving at such judgments should not be underestimated, they are already being made in many arenas.

Increasing financial reward to authors through such methods as these should receive support from librarians because authors who make the greatest actual or potential contribution to literature and to the national culture will be rewarded.

Hyatt notes that each copyright owner has the exclusive right to produce copies of his work, and using the limited monetary power afforded by copyright, is free to exploit his product commercially with the sole exception of those who have made a copy of the work through an copyright interest in the work, and under a long-term



## Legal and Copyright Issues of the Public Lending Right

Copyright is a unique property right that rewards authors for their contributions to society and encourages them to contribute to the advancement of knowledge.<sup>8</sup> Dennis Hyatt asserts that the relationship of public lending right legislation to the law of copyright is the central legal issue in the development of the PLR concept.<sup>9</sup> While proponents of the public lending right contend that PLR legislation is an integral part of copyright law, opponents argue that it is not a consideration of copyright law at all. Only in West Germany, of the eleven countries which have enacted a public lending right, has PLR been incorporated into copyright law.

In 1710 the Statute of Anne became "the first statute of all time specifically to recognize the rights of authors and the foundation of all subsequent legislation on the subject of copyright . . ." <sup>10</sup> According to Hyatt, all copyright legislation since the Statute of Anne represents new responses to cultural change and technological development. As these responses have become more universally accepted, they have assumed the character of an embodiment of natural justice in copyright law. However, neither proponents nor opponents of PLR can do much more than simply claim that PLR is or is not a matter of natural justice. The concept of fairness is the foundation for the idea of natural justice, although an appeal to a sense of fairness negates the natural justice argument that PLR is appropriately a part of copyright law. Many legislative schemes can satisfy the demand for fairness to authors without the necessity of amending copyright law. This provides an explanation for the apparent paradox that in all countries but one which have enacted PLR legislation, copyright laws have not been amended even though the theoretical basis for the legislation is in principles of copyright.

Hyatt notes that each copyright owner has the exclusive right to produce copies of his work, and using the limited monopoly position afforded by copyright, is free to exploit his position commercially with the sale of copies to others. Sale of a copy of the work conveys no copyright interest to the buyer, and under existing law the



author has exhausted his economic and legal interest in that copy once it has been sold. Both sides in the PLR controversy acknowledge that authors have no legal claim to compensation for the use libraries make of copies of their works unless there is a specific statutory authorization for compensation. Opponents of the idea of incorporating PLR into copyright law assert that changing broad social legislation such as copyright law to correct perceived or real economic imbalances is inappropriate.<sup>11</sup>

PLR proponents support the idea that PLR is an element of copyright law because 1) inclusion in copyright law gives PLR an additional legitimacy, 2) each country which accepts PLR as a part of copyright creates pressures for other countries to reciprocate, and 3) a PLR scheme incorporated into copyright would be more difficult to repeal than would separate legislation. There are, however, tactical disadvantages to claiming the PLR is an integral part of copyright. First, the impetus to revise or amend one of the fundamental laws of a nation may take years to accomplish. Alternatively, specialized legislation can be lobbied for and enacted more easily. Second, as a practical consequence of incorporating PLR into copyright law, nations are bound by treaty obligation to extend the same rights of protection to foreign authors from treaty signatory nations.

Proponents of the PLR concept base it on an older European concept, the *droit de suite* (the right to follow), which requires the payment of royalties to artists for the resale of their original works. Intended to protect artists from economic exploitation, the *droit de suite* became a part of the U.S. legal system in 1976 when California enacted the Resale Royalty Act. Although the Act was challenged in 1978 when an art dealer refused to pay a royalty on the resale of a painting, on appeal the 9th Circuit Court of Appeal found for the artist on the basis that the Act is within the spirit of copyright.<sup>12</sup>

There are two international copyright conventions, the Berne Convention, a system of international copyright maintained among countries signatory to the International Copyright Union for the Protection of Literary and Artistic Works, and the Universal Copyright Convention. The Berne Convention, first agreed upon at Berne,



Switzerland, in 1888, has been revised every 20 years. The basic principle of the agreement is that any work properly copyrighted in its country of origin has protection in every Union country. Any work originating in a non-Union country, if simultaneously published in a Union country, has the same standing as if it had originated in a Union country. The Universal Copyright Convention, sponsored by UNESCO in 1952, states that "Each signatory country extends to foreign works covered by UCC the same protection which such country extends to works of its own nationals published within its own borders."<sup>13</sup> An important difference between the two conventions is that the Berne Convention provides protection for authors, while the Universal Copyright Convention protects works. As of 1981, seventy-two countries were signatory to the Berne Convention, and seventy-three countries were signatory to the Universal Copyright Convention.<sup>14</sup>

*It was from actual book collections in Denmark in the early part of this century that the idea first emerged for royalty payments to authors for the loan of their books through "reading circles," lending libraries sponsored by bookstores.<sup>15</sup> Henning Rasmussen identified the first PLR proposal made by Danish author Thit Jensen in 1918.<sup>20</sup> Jensen suggested that a tax of five øre (about 1.5 cents at that time) be placed on each loan of a book by a Danish author. The proposal was widely discussed and thoroughly debated over the next decade, during which time almost every PLR argument made since, pro and con, appeared in the Danish press.*

*PLR negotiations during the 1930s centered on the Danish Authors Association, through which a number of procedural and policy issues were resolved. It appeared a reasonable solution to the problem of the poor financial circumstances of Danish authors for the government to ensure them remuneration for the lending of their works by public and school libraries. Thus, in 1941 the Danish government announced its intentions to provide a fee to authors for this purpose. However, the system could not*



## History of Establishment of the Public Lending Right in Nations of the World

Denmark established the first PLR system in 1946. PLR has since been implemented in Norway (1947), Sweden (1954), Finland (1964), Iceland (1967), the Netherlands (1971), the Federal Republic of Germany (1972), New Zealand (1973), Australia (1974), the United Kingdom (1982), and Canada (1986). (See Appendix I, Table of Public Lending Right Regulations and Benefits.)

### Denmark

*Denmark's population in 1985 was estimated to be 5,105,000. The area of the country includes 16,633 square miles.*<sup>15</sup> *In 1982, Denmark supported 281 public libraries which owned 31,857,000 volumes.*<sup>16</sup> *In the same year, 10,189 book titles were published in Denmark.*<sup>17</sup> *In 1986, 5,800 Danish authors were recipients of PLR payments.*<sup>18</sup>

It was from rental book collections in Denmark in the early part of this century that the idea first emerged for royalty payments to authors for the loan of their books through "reading circles," lending libraries sponsored by bookstores.<sup>19</sup> Henning Rasmussen identified the first PLR proposal made by Danish author Thit Jensen in 1918.<sup>20</sup> Jensen suggested that a tax of five ore (about 1.5 cents at that time) be placed on each loan of a book by a Danish author. The proposal was widely discussed and thoroughly debated over the next decade, during which time almost every PLR argument made since, pro and con, appeared in the Danish press.

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be implemented at the time as a consequence of the German occupation of Denmark during World War II.

An amendment to the Danish Public Libraries Act in 1946 established a "Public Lending Right" providing for compensation to Danish authors for the loan of their books. The amendment's stated objective was to bring about an "improvement of the financial circumstances of Danish authors" by giving them "a reasonable payment for the use of their works through library lending to the public." <sup>21</sup>

The scheme was later extended to include the use of all types of books in public and primary school libraries, and compensation was also given to authors' surviving spouses and minor children. In 1964 the Public Library Act was amended and the government grant was increased with a small portion reserved for translators. The scheme was administered initially by the Danish Authors' Fund, an independent body under supervision of the Ministry of Cultural Affairs with a board representing the government, authors and libraries.

In 1975 the 1964 amendment was itself amended, and authors' compensation was converted to a basic fee of 1.60 Danish kroner per volume, with adjustments to be made in accordance with the cost of living index. In 1976, payment amounted to 1.79 Dkr per volume, and by 1978 it had risen to 2.06 Dkr. The 1975 amendment also led to administrative reform. Formerly, the government's grant was determined in advance, and the library census of volumes was only a means of calculating each author's share. Under the new procedures, the record of each volume represented a claim on the treasury. The Ministry of Cultural Affairs therefore decided that management of the scheme was a government responsibility, and since 1979 the Danish PLR program has been administered by the State Inspection of Public Libraries. The statutes of the fund were retained in principle but rewritten in a ministerial order. A committee of three members representing the government, library authorities and authors was appointed to oversee the administration. Current rules are included in the 1964 law on public libraries as amended in 1975 and in the ministerial order.



Only authors who are Danish citizens and their surviving spouses and minor children are eligible for payment under the Danish PLR scheme. No payment is made for works with multiple authors. Translators receive grants or stipends but do not receive payments on the same basis as authors of original works. Illustrators and publishers are not eligible for payment. There is presently no minimum or maximum payment stipulated within the Act.

The State Inspection of Public Libraries prepares and distributes materials required for libraries' annual census of volumes on the basis of applications from eligible authors. Using the checklist of eligible authors, libraries included under the law must report the number of volumes by each author held on January 1 of each year. Auxiliary lists are often required to reduce errors. The annual census is a serious burden on libraries, and the accuracy of results is questionable. The total number of volumes credited to each author is calculated by computer. The corresponding payment is forwarded automatically the following October. Danish law prevents publication of information regarding amounts paid to individually named authors. In 1946/47, the first year of the Danish PLR arrangement, a total of 142,056 Dkr was paid to 435 authors. For 1976/77, approximately 18.7 million Dkr was paid to more than 3,000 authors. In that year a single author received almost 400,000 Dkr, and ten others more than 150,000 Dkr each. In 1980, about 4,500 authors received payments of 33.8 million Dkr at the rate of 2.37 Dkr per volume for 14.5 million volumes. Administrative costs of the State Inspection of Public Libraries amounted to 500,000 Dkr in 1980, while libraries' costs were estimated at between 2 and 3 million Dkr.<sup>22</sup> In 1986, 5,800 authors were entitled to PLR payments totalling 65 million Dkr (U.S.\$6.1 million). PLR payments are keyed to the cost of living index and as a result are inflation-proof.<sup>23</sup>

While the Danish Authors' Association has been fairly satisfied with the PLR system, and it seems to be accepted by the public, there are criticisms of it. The first criticism stems from exceptions for eligibility to the system, including translators who wish to be paid on the same basis as authors; authors who wish to be paid for books with multiple authors; publishers who wish to be reimbursed for all their publications;



and a variety of individuals who wish to be paid for materials in formats other than books. The second criticism is that the automatic individual system of payment no longer meets the original intended objective because there is no stated maximum payment within the Danish system and as a result a few authors are paid very large annual payments. The third criticism stems from the fact that because the Danish system is kept apart from copyright legislation, the maintenance of the system as a purely national arrangement may be in conflict with Denmark's obligations in regard to the Universal Copyright Convention.

According to Danish copyright legislation, an author has an exclusive right to authorize the distribution to the public of copies of his work. The Copyright Act also provides that when a literary or musical work has been published, the copies may be distributed freely by lending. Therefore, authors cannot object to their books being lent to the public by libraries, and the Copyright Act does not afford authors or composers any claim for remuneration with respect to these loans. The Public Libraries Act ensures *Danish* authors of such remuneration, however.<sup>24</sup>

Revisions of the Danish PLR system have been in progress for some years, although it appears that the stock-based system will be retained instead of adoption of a loans-based system because the former gives authors a fairly uniform income over a long period of time. In 1981, a government-sponsored bill was submitted with a number of proposed amendments to existing provisions. Composers, painters, sculptors, illustrators and photographers would be entitled to payment if their works are published in book form. The PLR system would be extended to cover recorded books, and a change in rates of payment was proposed so that authors would be paid according to a decreasing scale.<sup>25</sup> A parliamentary commission examining copyright issues recommended in 1986 the incorporation of PLR into the copyright act by contract license. Such a license would not only give authors the right to PLR but also the right to be involved in collective bargaining on the size of payment. In the event of a conflict, authors would be allowed to prevent libraries from lending their books. If the commission's proposal is accepted, PLR will be extended to include all forms of media available in libraries.



## Norway

*Norway's population in 1985 was estimated to be 4,152,000. The area of the country includes 125,181 square miles.<sup>26</sup> In 1982, Norway supported 454 public libraries with 1,395 service points which owned 16,501,771 volumes.<sup>27</sup> The same year, 5,175 book titles were published in Norway.<sup>28</sup>*

In Norway, a collective scheme based on law was introduced when the Norwegian Parliament passed the Library Act of 1947. The annual government grant is not related to library circulation or book collection. Of the annual contributions from the state to libraries for purchase of books, up to five per cent was to be transferred to a fund for authors. Upon initiating the legislation, the Authors' Society proposed that half the fund should be divided between authors on the basis of libraries' purchases of their books, and the other half should be allocated to pensions and other benefits. However, the law when promulgated in concert by the Ministry of Church and Education and the Authors' Society directed the assets to be distributed primarily in the forms of pensions and scholarships.

The current provision concerning "library remuneration" appears in the June 18, 1971, Act on Public and School Libraries, a revision of the 1947 law. Article 18 addresses the issue:

An amount shall be set apart every year for the budget corresponding to not less than five per cent of the total public grants for the purchase of books and other material to be lent out or used by public and school libraries and other libraries covered by this act. This amount shall be paid to funds for the support of certain groups of authors pursuant to regulations issued by the Ministry. The Ministry annually determines the allocation of the funds. Regulations for the funds are issued by the Ministry or by statute.<sup>29</sup>



Where the Library Act of 1947 used the term remuneration, the current act uses support. This change in terminology reflects a trend toward collective rather than individual rights.

The law was amended in 1977 to increase library compensation so that in addition to the five per cent of government grants for purchase of books for libraries, Parliament accepted a demand from artists' organizations for negotiations with the government on compensation for public use of their works. As a result the five percent rule was reduced to a formality, because the total government grant obtained through negotiation is about three times this percentage.<sup>30</sup>

The money is divided among nine funds or collecting societies for the support of various groups of authors. Funds for illustrators, photographers and authors of nonfiction were established in 1979. The law provides that each fund's board is to be nominated by the organization and appointed by the ministry. Each fund administers its share of the grant according to ministry regulations or by statute. The money is used for social purposes such as pensions, scholarships, travel grants and production aid, and administrative support.

For each of the years 1978 and 1979, 8,244,000 Norwegian kroner were to be paid by the state in library support. The allocation of the funds for this period was apportioned approximately as follows: 85 per cent to the Norwegian Fund for Authors and Translators, 5.5 per cent to the Norwegian Fund for Professional Literature, 4 per cent to Norwegian funds for composers, 1.5 per cent to the Norwegian Fund for Graphic Arts, 3.2 per cent to the Norwegian Fund for Illustrators, and .7 per cent to the Norwegian Fund for Photographers. In 1984, nine different funds shared 14 million kroner (U.S. \$1.6 million).<sup>31</sup>

Although the bylaws of the Norwegian library compensation system do not support claims from individual authors for remuneration, a practice exists whereby a portion of the major fund is distributed to native Norwegian authors of belles lettres approximately according to the quantity of the representation of their books in libraries.



Yet another Norwegian initiative for promotion of national literature is the guaranteed state purchase of books. By a purchase agreement between the Norwegian Cultural Council and organizations of authors and publishers, the Council buys 1,000 copies of works within specific categories of literature first published in Norway. An author is guaranteed a minimum royalty of between 20 and 22.5 per cent on these copies, which are distributed free to libraries by the Council. In 1978, the Cultural Council spent 11,500,000 Nkr purchasing more than 250 titles under this arrangement.

In a 1976 statement of policy, the Minister of Church and Education noted that library remuneration was an instrument of national cultural policy rather than primarily a means of rewarding authors. He also alerted the boards of the various funds of concerns about practices which may constitute a breach of international obligations.<sup>32</sup> However, it is apparent that Norwegian policies, which fluctuate between individual and collective rights, are influenced by the idea that under copyright conventions, authors' individual rights cannot be restricted to nationals. In 1986, the basic structure of the Norwegian system was being negotiated between the Norwegian government and authors' and artists' organizations. Substantial changes are expected to result from these negotiations.<sup>33</sup>

### Sweden

*Sweden's population in 1985 was estimated to be 8,348,000. The area of the country includes 173,731 square miles.<sup>34</sup> In 1982, Sweden supported 407 public libraries with 4,751 service points which owned 41,379,000 volumes.<sup>35</sup> In the same year, 8,509 book titles were published in Sweden.<sup>36</sup> For 1979/80, Swedish authors' coin was paid to 3,456 recipients.<sup>37</sup>*

In Sweden, authors receive compensation for the lending of their books through public and school libraries. The Swedish scheme is not based on law, as in the other four Scandinavian countries, but on a parliamentary decision. The scheme has two major objects: to give authors reasonable compensation for the use of their works through libraries and to improve authors' financial conditions. The Swedish PLR sys-



tem, the Swedish Writer's Fund, was introduced in 1954 and has been expanded on several occasions. Authors may influence the construction of system rules by negotiations with the state. The Fund's rules are based on a 1962 ordinance, published in the Official Collection of Swedish Statutes as No. 1962:652, which has been modified several times, the latest amendments appearing in ordinance No. 1982:603. The Swedish Writer's Fund is based in Stockholm and serves as administrative agency for the scheme. The Swedish Writers' Union holds a majority on the Fund's board, which is composed of four representatives of government and ten representatives of authors, translators, and illustrators. The fund is responsible for distributing individual payments as well as grants and pensions.

The Swedish Parliament determines annually the amount to be provided to the Fund. This amount is based on the total number of loans recorded at public and school libraries as indicated by random samples taken annually of loans and reference copies of books in public and school libraries. In 1984, the individual fee was .40 Swedish kroner, paying into the Swedish Writer's Fund a total of 45 million Skr (U.S. \$5.1 million). About one-third of PLR money is paid to individuals on the basis of the frequency of borrowing of an author's books. An author receives .24 Skr per loan for the first 100,000 loans; payment decreases above that figure. This individual compensation, *forfattarpenning* or author's coin, is paid to authors of original copyrighted works who are Swedish nationals or permanent residents of Sweden. Two or three joint authors share the amount equally, but no payment is made for books with more than three authors. The right to author's coin is not transferable. Families and other beneficiaries receive PLR payments up to fifty years after an author's death. Translators receive .12 Skr per loan, half of the amount paid to original authors. After deduction of administrative costs of about seven per cent of the total grant, about 53 per cent of the remaining money is placed in a solidarity fund, shared by authors, illustrators, and their surviving relatives. This money is distributed primarily as grants, pensions, scholarships and prizes. *Garanterad forfattarpenning*, guaranteed author's coin, was introduced in 1976 and is paid to about 160 established authors, translators and illustrators who have provided convincing evidence of their work but who do not achieve a mini-



mum of 36,000 Skr through author's coin. This in effect provides a guaranteed life-time income.<sup>38</sup>

While the system is generally considered to work well, the Swedish Writers' Union must lobby Parliament each year for the size of PLR payments. The issue will soon be addressed by the Swedish Copyright Commission.<sup>39</sup>

### **Finland**

*Finland's population in 1985 was estimated to be 4,908,000. The area of the country includes 130,119 square miles.<sup>40</sup> In 1983, Finland supported 1,541 public libraries which owned 27,484,502 volumes.<sup>41</sup> In 1982, 7,436 book titles were published in Finland.<sup>42</sup>*

In Finland PLR compensation is paid to writers and translators "for the reason that books written or translated by them are available free of charge in public libraries".<sup>43</sup> The Finnish PLR scheme is not based on copyright law but instead on specific socio-cultural legislation within the Public Library Act, passed in May 1961; the PLR system became operational in 1964. Because the country's copyright law excludes lending of literary works from an author's power of decision, the basic criterion for making compensation cannot therefore derive from copyright. Consequently, eligibility for PLR is limited to citizens of Finland.<sup>44</sup> When public library legislation was under reform in the 1940s and 1950s, writers requested that the law include provisions for compensation to be paid to them when libraries lend their works. However, the committee preparing the legislation was not convinced that writers suffered significant financial loss as a result of libraries' lending activities but supposed that on the whole book sales increased because libraries made them known and generated interest both in reading and in purchasing. However, the committee proposed that legal arrangements be made for allocation of grants and assistance to writers and translators.<sup>45</sup>

Finnish authors and translators receive bursaries and grants, with specific amounts allocated on the basis of requests made by the Ministry of Education.



Proposals for grants and assistance are submitted to the ministry by a committee in which national associations of writers and translators and the Ministries of Education and Finance are represented. Finnish PLR payments are collective in nature, because the total amount of compensation is not determined by volume of loans but is linked with the amount of government aid received by libraries.<sup>46</sup> Total compensation is proportional to the amount of funds for acquisition of literature for public municipal libraries in the previous calendar year and corresponds to ten per cent of this expenditure. In 1986, this amount was 12.3 million marks (U.S. \$1.9 million).<sup>47</sup> Each year, 45 per cent of the total amount is distributed to creative writers and ten per cent to translators, 25 per cent in the form of assistance to elderly writers and translators and 20 per cent to writers and translators in difficult economic circumstances.<sup>48</sup>

### **Iceland**

*Iceland's population in 1985 was estimated to be 241,000. The area of the country includes 39,769 square miles.<sup>49</sup> In 1982, Iceland supported 240 public libraries which owned 1,385,000 volumes.<sup>50</sup> In the same year, 1,200 book titles were published in Iceland.<sup>51</sup> In 1981, 500 Icelandic copyright holders received PLR payments.<sup>52</sup>*

The Icelandic PLR scheme was implemented in 1967 after a 1963 provision was incorporated into Public Libraries Act No. 22/1963. Present rules are included in the Public Libraries Act of 1976 and in regulations of the Icelandic Authors' Fund. The Law provides for annual payments from the Fund to Icelandic authors based on the number of copies of their books in public libraries. The 1963 act stipulated that the fund would receive ten per cent of the state's and local authorities' (urban and rural councils) contributions to public libraries. The law as amended by the Public Libraries Act No. 56/1976 changed the system so that all money for the fund comes from the national government, and a fixed annual appropriation indexed to the cost of living is guaranteed.

The Fund is administered by a committee of trustees, three appointed by the Ministry of Education and two appointed by the Authors' Federation of Iceland, the



writer's union. Under the present law, half the money available for payment is allocated to Icelandic authors or their heirs based on the stock of their books held in libraries, and half is used to finance literary prizes, grants, and awards. Payments are not made to translators and publishers, but foreign authors resident in Iceland are entitled to payments.<sup>53</sup> In practice, authors' representation in the stock of Reykjavik City Library is taken as the basis for distribution; in 1979 the combined holdings of libraries concerned was only about 150,000 volumes.<sup>54</sup> In 1984, 2.2 million crowns (U.S. \$67,000) were distributed to authors by the Fund.<sup>55</sup>

Icelandic authors' criticisms of the country's PLR system are that the scheme should be extended to include all types of libraries and that the government grant should be increased to provide them with a reasonable income. Under Icelandic law, authors do not have an indisputable right to control the lending of their works. Their ultimate objective, which seems very distant at this point, will be an inclusion in the country's copyright law of a provision that lending a work to the public constitutes one element of an author's sole right to control the disposition of his works. Because a total ban on lending works to the public seems out of the question, a solution may be based on a compulsory blanket licensing system through which a collection society would administer collection of charges and distribution of income to authors.<sup>56</sup>

### Netherlands

*The population of the Netherlands was estimated in 1985 to be 14,481,000. The area of the country includes 15,770 square miles.<sup>57</sup> In 1982, the Netherlands supported 468 public libraries with 2,944 service points which owned 37,229,000 volumes.<sup>58</sup> In the same year, 13,324 book titles were published in the Netherlands.<sup>59</sup>*

In Holland, a purchase-based PLR system operated from 1972 to 1983. An annual government grant was distributed by the Literature Fund to Dutch authors of belles-lettres and juvenile literature in proportion to public libraries' purchases of their books. The scheme was based on administrative regulation rather than law and ultimately depended on political benevolence. The annual grant was determined by the Minister of Culture, Recreation and Welfare and was managed by the Literature Fund



(Fondsvoor de Letteren) according to rules established by the fund's board. While the scheme was simple and did not create extra work for libraries, it had no legal basis and ignored a considerable number of authors represented in public libraries.

Compensation was paid to authors of Dutch nationality writing in Dutch or Friesian and was based on the number of volumes purchased for public libraries by two central government agencies, the Nederlandse Bibliotheek Dienst and the Centrale Bibliotheekdienst voor Friesland. The available sum was distributed among eligible authors in proportion to their shares of total library acquisitions. Although annual grants were increased during the life of the scheme, the number of titles and volumes also increased with a resulting per volume decline in compensation over time. In 1978, for example, PLR payments were distributed among 718 authors in amounts ranging from 10 guilders to 10,081 guilders. The initial 1972 grant of 200,000 guilders was gradually raised to 480,000 guilders (U.S. \$140,000,) the amount distributed in 1983, the last year payments were made under the Dutch PLR system.

The Dutch Authors' Association has advocated government compensation to authors and their heirs for the loan of all types of books from public libraries. In advocating improvements to the Dutch PLR system, others have urged a clear-cut system based on copyright law; a surcharge system based on the publication of double editions, one for private use and one for public use; and a system based on library legislation. However, the Public Libraries Law of 1975 did not change the PLR system and there has been no subsequent government effort toward a copyright-based system. In 1979, a working party representing the ministry and the Authors' Association began discussions of government policy with respect to literature, including the PLR issue.<sup>60</sup>

Since 1983, no PLR payments have been made pending the completion of a commissioned report on a new system. In April 1985 the Minister of Culture presented to parliament a legislative proposal for a new PLR scheme under which remuneration would be paid for partly by an annual tariff levied on public libraries and partly by money from the government's general budget. Writers would receive 70 percent and publishers 30 per cent of the money. For 1986, a proposal was made to allocate 5 mil-



lion guilders (U.S. \$1.5 million) from the general budget and 5 million guilders from libraries for this purpose, but parliament had not passed the bill by April 1986.<sup>61</sup>

### **Federal Republic of Germany**

*West Germany's population in 1985 was estimated to be 60,950,000. The area of the country includes 95,975 square miles.<sup>62</sup> In 1983, West Germany supported 11,147 public libraries which owned 83,302,516 volumes.<sup>63</sup> In 1982, 58,592 book titles were published in West Germany.<sup>64</sup> Over 56,000 authors were eligible for PLR payments in 1986.<sup>65</sup>*

The German plan, enacted in 1972, is significant because it is the first and only PLR law to be enacted as an amendment to a nation's copyright law. To understand German provisions concerning the public lending right, it is essential to note the connection with provisions concerning the distribution right as an independent copyright power in addition to the reproduction right. This special author's distribution right has long been a feature of German copyright. *Buchereitantieme* or PLR was introduced in Section 27(1) of the law which reads:

For the hiring and lending of copies of a work in respect of which further distribution is permitted under Sec. 17(2), an equitable remuneration shall be paid to the author if the hiring or lending is executed for the financial gain of the hirer or lender, or if the copies are hired or lent through an institution accessible to the public (library, record library or collection of other copies). The claim for remuneration may only be asserted through a collecting society.<sup>66</sup>

The purpose of the law was to give originators additional remuneration for the repeated use of one copy of a work by a number of consumers and to create a pension fund for authors. The German literary collecting society VG Wort (Verwertungsgesellschaft Wort) together with the Authors' Association led the political struggle for PLR. While these organizations were pursuing the sociopolitical goal of the creation of a writers' fund, some copyright experts felt that this goal had nothing to



do with copyright, which is based on individual rights. However, in this instance copyright law ultimately was used as a tool of social policy. The law became effective January 1, 1973, and applies to all libraries in the Federal Republic and West Berlin that are open to the public. The claim for compensation includes all types of copyrighted material. Under German law, the period of protection extends for seventy years after an originator's death.<sup>67</sup>

Implementation of the law was achieved in 1975 after a general contract was agreed upon between the federal government, the eleven federated German states, and four collecting societies. The contract provides that authors can apply for PLR only through a collecting society to which they assign their PLR rights. VG Wort was joined in the contract by three competing collecting societies: VG Wissenschaft, representing scientific publishers and authors; GEMA, representing composers; and VG Bild/Kunst, representing illustrators and photographers. Payment was fixed as an annual lump sum, beginning with 9 million German marks in 1975, ten per cent of the amount from the federated government and 90 per cent from the states. The original contract ran to 1985, with the size of the lump sum renegotiated every other year, and with the actual distribution of funds determined by collective bargaining. The provisions for negotiation illustrate the trade union aspect of such societies, to the extent that individual arrangements are increasingly displaced by collective agreements. Under the contract, libraries must provide information on their circulation on a sample basis, but no additional costs fall on libraries.

The largest of the collecting societies, VG Wort, was founded in 1958 to safeguard the interests of authors and publishers. Based in Munich, it represents 56,000 authors and 1,700 publishers. The board is composed of representatives of writers and publishers. In principle, foreign authors are entitled to German PLR by means of special contracts between VG Wort and its foreign counterparts. Membership in VG Wort is open to citizens of all EEC countries and to Swiss and Austrian authors. Only Great Britain has a reciprocal PLR agreement with West Germany.



For the purpose of determining payments, authors are divided into nine groups according to lending figures reported by a rotating sample of eighteen public library systems, chosen within six categories of size and type by the German Library Association. In these libraries, all loans are recorded twice a year over a two week period. The first individual payment was made by VG Wort in 1976 for the year 1973. In that year, 96 per cent of the authors received less than 100 DM, with the maximum payment set at 3150 DM. The total annual PLR payment in West Germany has been about 14 million DM (U.S. \$4.7 million) for the last few years, with VG Wort distributing about 12 million DM of this amount.<sup>68</sup>

In West Germany copyright has moved away from its basis in proprietary rights, and from the perspective of PLR it should be viewed from the standpoint of labor or social law. In this case copyright fees are used to achieve a redistribution of resources.

### **New Zealand**

*New Zealand's population in 1985 was estimated to be 3,271,000. The area of the country includes 103,736 square miles.<sup>69</sup> In 1979 New Zealand supported 276 public libraries which owned 6,076,524 volumes.<sup>70</sup> In 1981, 2,499 book titles were published in New Zealand.<sup>71</sup> In 1980, 699 authors were eligible for PLR payments.<sup>72</sup>*

The New Zealand Author's Fund, established in 1973, was the product of joint efforts by the New Zealand PEN Centre (the New Zealand writers' association) and the New Zealand Library Association (NZLA). While the first New Zealander to introduce the principle of PLR seems to have been John Alexander Lee in his book, Socialism in New Zealand, published in 1938, the movement toward PLR began in earnest in 1968 at the NZLA conference where views of authors and librarians on PLR were presented.<sup>73</sup> In 1971, a survey of established New Zealand authors' earnings commissioned by PEN revealed that the average gross earnings from royalties for a medium group of authors was NZ\$1.92 per week. (In 1981, the NZ dollar exchanged for approximately US\$0.94 .) PEN and NZLA agreed that support for New Zealand



writers should come from central government funds and jointly requested a committee to inquire into improving the financial position of the country's authors. The PLR Committee included representatives from the Departments of Internal Affairs, Education, Treasury, and Justice, and the National Library. A change in government after the election of November 1972 resulted in a redirection of the mandate of the PLR Committee to "consider practicable ways of implementing the government's announced intention of giving assistance to authors."<sup>74</sup> However, the government did not want to implement the scheme as a right, so it was introduced as a fund for writers. Payments from the fund are, however, calculated on the basis of such a right, that is, compensation for loss of royalties from books held in libraries. There are no connections with library or copyright legislation.

The New Zealand Authors' Fund is administered by the Department of Internal Affairs through a Review Committee composed of an independent chairman, two members nominated by PEN, one member nominated by the NZLA and another by the Literary Fund Advisory Committee, and representatives of the Internal Affairs Department and the National Library.

The Fund calls for applications for payment each year. Authors must reapply annually and to qualify must be New Zealand citizens living in New Zealand or noncitizens living in New Zealand for at least two years before the date of application. Translators qualify for payment under certain conditions. Textbooks used in primary and secondary schools, anthologies, serials, collections of maps, and works with Crown copyright are excepted from PLR, and there are no payments to publishers in the scheme. Payments for eligible titles are determined according to a sample survey of the holdings of public, university, and college libraries. The survey is conducted every three years and is updated by supplementary yearly reports by the libraries. Books for which payments are made are those of which there are 50 copies or more in libraries, according to survey results. Payment for each book is a flat rate per copy, calculated by dividing the annual appropriation by the total number of eligible books after costs of administration and surveying have been deducted. The initial appropriation for the fund was NZ\$140,000 in 1973. In the first year, 385 authors were eligible for payments,



with payment per copy about NZ\$1.30. The minimum payment was NZ\$65 and the average around NZ\$300, while some authors received NZ\$1,000 or more. Alfred H. Reed, 98 year-old author of The Story of New Zealand, received the largest payment for the book most widely held.

For the year ending March 31, 1980, the appropriation was NZ\$200,000. A total of 699 authors were eligible for payment, and the rate of payment was NZ\$1.13 per copy, less than the per copy payments of earlier years. Although the government's appropriations followed an increasing trend from year to year, the number of authors receiving PLR payment increased at a faster rate.<sup>75</sup>

Important to the adoption of PLR in New Zealand was the close cooperation of PEN and NZLA, in contrast to years of controversy between librarians' and authors' groups prior to development of PLR in the United Kingdom, Australia, and Canada. As a consequence of this cooperation, only six years elapsed between the introduction of the idea of PLR to a wide audience in 1968 and the implementation of a PLR scheme in New Zealand in 1973.

### Australia

*Australia's population in 1985 was estimated to be 15,345,000. The area of the country includes 2,966,200 square miles.<sup>76</sup> In 1982, Australian local government authorities supported 350 public library systems with 1,300 service points which owned 24,500,000 volumes.<sup>77</sup> In the same year, 2,358 book titles were published in Australia.<sup>78</sup> In 1980, 2,998 Australian authors received PLR payments.*

Although Australia and New Zealand are close geographically and PLR was introduced at about the same time in the two countries, there was no cooperation between interested groups in working toward adoption of PLR schemes. In 1957, Commonwealth Literary Fund Chairman A. Grenfell Price recommended introduction of the Swedish PLR scheme to the prime minister of Australia in the first documented interest in PLR in the country. The proposal was rejected and apparently was not revived until 1966, when author John Kiddell suggested an amendment to the



Copyright Act to permit payment of lending royalties to authors, publishers, and libraries. Incorporating a recommendation that payment come from fees paid by users, Kiddell's suggestion was rejected by the Management Committee of the Australian Society of Authors (ASA). In 1967, travel writer Colin Simpson became ASA's driving force to introduce PLR into Australia. To determine the financial situation of Australian authors, ASA commissioned a survey of writers' earnings. The survey revealed that the average income from writing for a fulltime author was about a dollar an hour. By July 1971, following five years of work toward PLR by ASA interspersed with changes in the government's direction, leadership, and evident support for PLR, ASA leaders became increasingly frustrated to the point of threatening a protest movement in which authors and their supporters would borrow their books from public libraries in great numbers and retain them for as long as possible. The protest was averted at the last minute.

In 1971 the Library Association of Australia (LAA) became involved in PLR discussions. Inconsistencies in LAA's views of PLR are reflected in conflicting statements from the organization. While the president of LAA, in the October 1971 Australian Library Journal, quoted a resolution urging that the government substantially increase funds available to the Commonwealth Literary Fund as the best means of assisting authors, another resolution approved by the association and published in the same issue asserted, "LAA rejects the claim that a right, either moral or legal, exists whereby an author should be paid in respect of the loan of one of his books by a person or body which has purchased it." 79

The Public Lending Right Committee, formed in 1973, included representatives from LAA, ASA, the Australian Book Publishers Association (ABPA), and observers from several government offices. The committee conducted a survey in 1974 to determine the costs of a PLR scheme. The committee's investigations and report to the government culminated in the introduction of PLR in Australia on May 13, 1974. PLR is funded by the Commonwealth Government and payments are distributed by the Public Lending Right Committee. This committee, initially a standing committee of the Australia Council, since 1980 has been administered from within the Department of



Home Affairs. Neither the scheme nor its administrative framework has any statutory basis. Details of the scheme are referred to in the PLR Charter and Definitions, and members of the committee are appointed by the Minister. Operation of the scheme is largely governed by convention and precedent. The legal status of committee members is advisor to the Minister. Membership includes two authors, a publisher, a librarian, a representative of the National Library and the Attorney General, and an independent chairman. An officer of the Australian Bureau of Statistics acts as a consultant.

PLR payments are distributed by the PLR Committee to eligible recipients according to an annual sample survey of books in Australian public libraries. Each payment is based on a fixed sum per book and depends on the estimated total number of copies of the book. The amount per copy is set by the government and does not depend on the number of eligible claimants. In 1983, the rate was A\$0.50 for authors and A\$0.125 for publishers. (In 1981, the Australian dollar exchanged for approximately US\$1.19.) A claim must be made for each new book title or new edition. Once a claim is made, a record remains on file for as long as a book qualifies for payment. The PLR Committee administers claim procedures and verifies that payments are made only to those who are eligible, which includes authors of Australian nationality or authors resident in Australia, editors, illustrators, translators, publishers, and spouses and children of eligible authors. About 75 public library systems throughout Australia are surveyed annually. These libraries are paid to record the number of copies they own of each title on a list of titles selected from the scheme's master file. Payment is made for books of which there are 50 or more copies in libraries.<sup>80</sup>

Total Public Lending Right payment increased from A\$576,000 in 1975-76 to A\$1.25 million in 1980-81. In 1980, a total of 2,998 authors and 183 publishers received payments.<sup>81</sup> A problem with Australian PLR is that payments have not kept up with inflation, which has averaged around ten per cent per year, although the government decided in 1983 to increase the author's payment to A\$0.60 per copy. However, the scheme's primary weakness is that it has no legal basis. The government's allocation for PLR payments is determined annually as part of budget prepara-



tion. Payments are made not as a matter of right but as an act of government grace; "right" in the Australian Public Lending Right is a misnomer.

Copyright under Australian law does not include a general right to distribute, lend, or display works. Distribution is part of the copyright owner's exclusive right to publish. Therefore, it may be difficult to convince legislators that a Public Lending Right should be included within copyright. Beneficiaries of PLR would be better off if the right were recognized by statute in a Public Lending Right Act which would define the right and establish its administrative mechanism.<sup>82</sup>

### United Kingdom

*The United Kingdom's population in 1985 was estimated to be 56,423,000. The area of the country includes 94,226 square miles.<sup>83</sup> In 1982, Great Britain supported 167 public library systems with 17,500 service points which owned more than 131,338,000 volumes.<sup>84</sup> In the same year, 48,029 book titles were published in Great Britain.<sup>85</sup> In 1986, 11,307 British authors were registered to receive PLR payments.<sup>86</sup>*

Because a period of over thirty years elapsed between the introduction of the idea of PLR into Great Britain and its implementation, during which time proponents and opponents vigorously discussed the idea and recorded statements of their positions in books and journals, it is understandable that so much writing about PLR in English deals with Britain's experience. While PLR was discussed in Britain before and immediately after World War II, no practical proposal to implement it was made. The real campaign toward it was sparked in 1951 by author/librarian Eric Leyland, who proposed that libraries pay an author a halfpenny each time one of his books was lent. Later the same year author John Brophy developed the idea further and proposed a fee of one penny to be levied on the loan of a book from a public Library. While Brophy's proposal did not result in legislation, it achieved public notice and gave PLR its first label: the Brophy Penny.



Concerns about the depressed state of authors' incomes and their "exploitation" by libraries led to a major campaign for PLR which was initiated by members of the Society of Authors in 1959, led by Sir Alan Herbert and J. Alan White. To introduce PLR, an amendment to the Copyright Act of 1956 was drafted and presented to the House of Commons in 1960. However, the attempt to attach PLR to copyright legislation was soon abandoned after it was realized that under international copyright law, benefits of such a plan would have to be extended to authors from signatory countries as well as to British writers. In 1967, a Working Party of the Arts Council produced a report recommending a program of lending royalties to be paid to authors and publishers from government funds. A further report in 1972 proposed a plan with similarities to the public performing right and was based on libraries' annual book expenditures. While the Society of Authors agreed with most of the report's proposals, a number of activist authors in the organization disagreed strongly with major provisions. They were committed to the idea that PLR must be centrally funded, based on loans, and provide annual payments directly to authors. Formation of a splinter group, the Writers Action Group (WAG), was the result of this disagreement. Led by Brigid Brophy, John Brophy's daughter, WAG became the most vocal of PLR's advocates. Asserting in one instance that without the introduction of PLR, the native British writer would soon be extinct, Brophy worked ceaselessly for the adoption of a PLR scheme in Britain.<sup>87</sup>

The Library Association, representing the profession of librarianship in Great Britain, consistently opposed the introduction of a public lending right. Librarians' initial objections were based on concerns about the deleterious effects of PLR on library services, administration, and workload, and concerns about the possibility that funding for libraries would be reduced by its implementation. Later opposition was based on the belief that arguments for the introduction of PLR are unsoundly based and that its introduction would not represent a proper remedy to authors' problems. Major statements opposing PLR were promulgated by the Library Association in 1960, 1968, and 1972. In November 1974, the Library Association Council adopted the following definitive resolution:



This Council wishes to express its continued support for the claims of authors to reasonable financial rewards. It is particularly concerned that the authors of significant works of creative imagination and of scholarship should be adequately remunerated. At the same time it wishes to state its continued opposition to the proposed scheme of a Public Lending Right and therefore authorises its representatives to take such action as may appear to be appropriate and to make known its opposition to the Public Lending Right including the publication of a statement setting forth the reasons for this opposition.<sup>88</sup>

A succession of PLR bills was introduced into Parliament during these years, but none met with success until the Labour government introduced its second PLR bill (the ninth PLR bill since 1960) into the House of Commons on November 3, 1978. With political opposition to PLR diminished as a result of the determined support of the idea by authors' groups, the Public Lending Right 1979 was approved by Parliament and received royal assent in March 1979. The plan was implemented in 1982, with first payments to authors made in February 1984 for the year 1983.

Under the British Public Lending Right Scheme 1982 with Amendment Order 1983, the system is administered by the Public Lending Right Office at Stockton-on-Tees, on the northeast coast of England. The chief administrative officer is Registrar John Sumsion, who established the office, hired staff, and commissioned the special computer system. Parliament allocates an annual sum for PLR payments to authors. The PLR Fund pays administrative costs of the system and reimburses participating public libraries for computer recording of loans. The remaining money is then divided and the amount to be paid for each estimated loan of a registered book is determined. A maximum payment of £5,000 (approximately \$7,500) per author was established initially, and a minimum of £1 per book. An author must register himself and his books with the Stockton-on-Tees headquarters. Living British authors, translators, illustrators, and editors are eligible for payments. West German authors may also participate by virtue of a reciprocal agreement made in 1985. A representative sampling of book loans is taken from sixteen public libraries in different parts of the country, and the fig-



ures are reported to the computerized system at Stockton-on-Tees. ISBNs (International Standard Book Numbers), unique code numbers which appear on the copyright page of books in many countries, allow the recording of authors and titles. In 1984, the first year PLR payments were made in Britain, approximately 6,000 authors were the recipients of over £2,000,000. Payment was fixed at 1.02p per loan. Of the total amount allocated, £76,000 was charged for expenses, with an additional £36,000 paid to participating sample libraries.<sup>89</sup> In 1985 the PLR computer recorded the actual loan of 6,310,384 books. This sample was multiplied to achieve an estimated total of 644,500,000 books borrowed throughout Britain.<sup>90</sup> For 1984-85, Parliament voted a little over £2,000,000 (\$2,600,000 in April 1985) for PLR. In 1986, the third year of operation of the scheme, Parliament increased PLR funding to £2,750,000, of which £2,406,000 was paid to 9,655 authors on the basis of 1.27p per loan. Just over one-third of all books borrowed in Britain are on the PLR register. However, 1,652 of the 11,307 authors registered received no payment because their books failed to be borrowed frequently enough to attain the minimum payment of £1.<sup>91</sup>

A variety of reforms of the British PLR scheme have been advocated by authors' groups since its implementation in 1983. Some reforms, such as increase of the government's appropriation for the scheme and abolition of the minimum page count, have been effected, while others such as authorization of payments to co-authors when one co-author is deceased or untraceable, remain on the authors' agenda. Registrar John Sumsion notes that the PLR scheme has been gloriously workable. He reports that publishers, booksellers, computer specialists and librarians have cooperated to make the scheme a success. The PLR Advisory Committee, which includes former protagonists of PLR, has contributed to this success as well.<sup>92</sup>

### Canada

*Canada's population in 1985 was estimated to be 25,399,000. The area of the country includes 3,851,790 square miles.*<sup>93</sup> *In 1982, Canada supported 1,005 public libraries with 3,179 service points which owned 50,765,000 volumes.*<sup>94</sup> *In 1980, 19,063 book titles were published in Canada.*<sup>95</sup> *By December 15, 1986, approximately*



*5,000 authors had registered for PLR payments, of an estimated 9,300 authors in the country.*

The movement toward a public lending right in Canada began in the 1940s, when the Canadian Authors' Association initiated discussion of the issue. Interest in the idea remained quiescent until 1973, when the activist Writers' Union of Canada was formed and PLR became a major policy thrust for the new organization. More than a decade of controversy followed, as authors' and librarians' groups issued resolutions and manifestoes on the subject, formal debates were held, and authors marched on the House of Commons.

Although librarians understood writers' economic concerns, they often reject PLR itself, as the Canadian Library Association (CLA) did in 1976 at its Annual General Meeting. In that year the membership approved a resolution which sympathized with the economic difficulties of writers and requested the Canadian government to develop a system of increased financial rewards for writers, while at the same time rejecting the PLR idea. Some opposition was based on the "public library right." At a 1976 Canadian workshop on copyright and the public lending right, University of British Columbia School of Librarianship Professor Emeritus George Piternick declared, "The right of individuals to band themselves into groups to buy books and circulate those books freely among the members of the group has been unquestioned for centuries. Thousands of library incorporation acts and charters recognize this right in law." 96

In 1981, the Canada Council, the cultural agency of the Canadian government charged with fostering and promoting the study, enjoyment and production of the arts, conducted a survey of Canadian authors in order to form a representative list of their publications to check against the holdings of a sample of Canadian libraries. The plan was for the data to form the basis for a model PLR program to be implemented when funds were made available.



Important to the eventual adoption of the public lending right in Canada was the coming together of library and writers' groups in support of a PLR program. Librarians first had to be convinced that a system for remunerating authors would neither place additional bureaucratic burdens on them nor would reduce funding for libraries. They were then won over to the program when they became convinced that indigenous Canadian culture was at risk because most English language books held by Canadian libraries were written by U.S. and British writers. In fact, the CLA ultimately supported government compensation for authors for library use of their works in recognition of the cultural contribution of Canadian writers.

The Writers' Union undertook a variety of political actions to educate the public and its representatives about the PLR issue. The group organized letter-writing campaigns, orchestrated national days of protest, and lobbied candidates for public office. In 1985, a comprehensive report on the PLR proposal written by Writers' Union Chair Matt Cohen was widely circulated within the government. That same year, 125 members of the organization marched on the House of Commons and several later met with members of the nation's Cabinet. In May 1985, the Writers' Union and the French-speaking writers' organization, l'Union des Ecrivains Quebecois, sponsored a PLR symposium which was attended by representatives of writers' associations from all over the world. Countries where PLR programs were in effect all sent delegates. The event, partly funded by the Department of Communications, was well covered by the Canadian press and lent prestige and recognition to Canadian writers.

In September 1985, Canada's provincial culture ministers reached agreement on PLR. In April 1986 Minister of Communications Marcel Masse announced final approval of a PLR program, then called Payment for Public Use (PPU), to be funded for five years at CAD\$3,000,000 per year by discretionary funds from the Department of Communications' budget, with first payments to be made in March 1987. The program as it now exists is not based in law, but rather on a letter of intent from Masse. To administer the program, finally termed the Public Lending Right, (the use of the term Payment for Public Use, or PPU, was a "sop to librarians at the time," but authors' views prevailed when naming the program, according to Andreas Schroeder,



chairman of the Commission), in October 1986 a Public Lending Right Commission was established with offices in Ottawa.<sup>97</sup> Executive Secretary Michel Blanc and a staff of five carry out the Commission's work. The Canada Council serves as an umbrella organization for the Commission and assists with accounting and fund monitoring. The Commission consists of twenty-four members: ten writers appointed by Canadian writers' organizations; three writers appointed by the Council; four librarians; two publishers; and five nonvoting members -- the director, one member of the Canada Council, a representative of the Department of Communications, the National Librarian, and the Chef Conservateur de la Bibliotheque Nationale du Quebec.<sup>98</sup>

The mechanics of the program and its eligibility requirements were designed by a seven-member executive committee of the Commission, chaired by author Andreas Schroeder. Based on a sample of library holdings rather than circulation, the program was hurried into place in order to allow distribution of payments to authors before March 31, 1987, the end of the government's fiscal year. For the first year, ten English-language and five French-language public and university libraries were sampled. Participating libraries will not be identified; this information is confidential. Printouts of 17,000 titles were distributed to these fifteen libraries to be checked against their holdings. The larger the number of libraries in which an eligible title was found, the larger the PLR payment. While the initial plan was to check ISBN's against the UTLAS data base (a bibliographic utility, originally the University of Toronto Library Automation System), this proved to be unfeasible and all checking had to be done manually. Libraries bill the Commission for compensation for staff time spent checking printouts.<sup>99</sup>

According to the preliminary constitution of the PLR Commission, because PLR payment is not part of copyright, it does not require legislation or revision of the copyright laws, and payment can therefore be limited to living Canadian writers.<sup>100</sup> To be eligible for PLR payment, one must be a Canadian citizen or must have been a landed immigrant for at least five years. An eligible contributor (author, translator, illustrator, photographer, editor) must register with the Commission each title for which PLR is claimed. Authors are paid a sliding scale fee per title, depending on the number of



libraries holding each title. Works ineligible for PLR include musical scores, periodicals, directories, exhibition catalogs, textbooks, titles written by more than four contributors, titles written under contract for service, or works of fewer than 49 pages. Minimum PLR payment is CAD\$30, and maximum is CAD\$4,000 for a single author.<sup>101</sup>

Using the same mailing list compiled by the Canada Council in its 1981 survey of authors, in October 1986 the Commission mailed 9,300 applications to authors. By the December 15, 1986, deadline the Commission had received approximately 5,000 completed forms.<sup>102</sup> Of 5,000 authors who returned forms, about 4,400 received PLR payments in the first distribution in March 1987. Approximately CAD\$2,700,000 was distributed to authors with CAD\$225,000 spent for administrative costs.<sup>103</sup> (See Appendix II for examples of registration forms and instructions distributed to authors by the Canadian Public Lending Right Commission.)

According to Writers' Union Executive Director Penny Dickens, the Canadian government finally implemented a PLR scheme as a result of the relentless pressure exerted by Canadian writers. She notes, "We couldn't have managed it without the years of pressure beforehand, the fact that we never gave up."<sup>104</sup>



## Prospects for Implementation of the Public Lending Right in the United States

*The U.S. population on January 1, 1986, was estimated to be 239,400,000. The area of the country includes 3,623,420 square miles within the fifty states.<sup>105</sup> In 1985, the U.S. supported 8,849 public libraries with 15,179 service points. In 1982, U.S. public libraries owned more than 494,000,000 volumes representing 307,000,000 titles.<sup>106</sup> In 1984, 51,058 book titles were published in the U.S.<sup>107</sup> In 1986, the Authors League of America, a professional authors' organization, claimed a membership of 12,000. The Council of Writers Organizations, an umbrella organization of twenty-four professional writers' groups, reported a membership of 25,000.<sup>108</sup>*

### History of the U.S. PLR Movement

Robert Caro, author of the Lyndon Johnson biography The Path to Power, said in 1983 that the concept of a public lending right for authors in the United States was not yet "an idea in the public consciousness or even an idea in the consciousness of authors."<sup>109</sup> Although some movements toward PLR in the U.S. have been made since 1983, his statement is still an accurate reflection of the present situation. The recent addition of Canada to the ranks of nations with public lending right programs has left the United States as the single major English-speaking country without such a program.

The first significant event in the PLR movement in the U.S. was the introduction in 1973, at the request of the Authors League of America, of a bill by Congressman Ogden R. Reid (D., N.Y.) in the House of Representatives to "Establish a commission to study and make recommendations on methods for compensating authors for the use of their books by libraries."<sup>110</sup> The bill directed that the commission would be associated with the Library of Congress and that funds for lending royalties would be provided by the federal government. The commission was also directed to consider alternative methods for determining lending royalties, whether minimum and maximum limits should be placed on annual payments to an author, and whether publishers should share in lending royalties. The Copyright Act would not be affected. The bill



was referred to the Committee on House Administration, where it died without a hearing.<sup>111</sup> In requesting the bill, the League had stressed the fact that Congressional appropriations for millions of dollars for the arts were made each year without a great deal of benefit to American literature. The League suggested that appropriation of Federal funds for library lending royalties would provide assistance to the literary arts without the stigma of subsidy.<sup>112</sup>

After the flurry of interest in PLR evidenced by Congressman Reid's bill, apparently the issue was pushed aside while the Authors Guild (the Authors League is the parent organization of the Authors Guild and the Dramatists Guild) turned its attentions toward the revision of the 1909 U.S. Copyright Act, which became effective January 1, 1978.<sup>113</sup>

In 1979, the Authors Guild initiated a revival of interest in PLR by "launching a full-scale study of the Public Lending Right." The Guild Council voted unanimously on June 7, 1979, to investigate PLR as a means of improving the economic conditions of authors, as expressed in the following resolution:

**RESOLVED:** That the Council of The Authors Guild shall undertake a major examination of the Public Lending Right concept in other countries to determine whether The Authors Guild should endorse and fight for its enactment in the United States."<sup>114</sup>

The study was authorized after newly elected Guild President Robert Caro reported that PLR administration varied from country to country but that reliable information on PLR programs in those countries was not readily available. He asserted that a major study



was necessary to determine how PLR could be implemented in the U.S. while ensuring that its funding would not cut into already inadequate funds for public libraries.<sup>115</sup>

In November 1979, the Authors Guild Foundation commissioned the Columbia University Center for the Social Sciences to undertake a comprehensive study of the economic condition of writers. Designed to be representative of all types of writers and to provide data for aggregate statistical analysis of many different groups of writers, the study focused particularly on authors of books of fiction and nonfiction published in the U.S. within the previous ten years.<sup>116</sup> The Center devised a questionnaire which was sent to 4,856 randomly selected published authors, both members and non-members of the Guild. Of this number, 2,241 surveys, or 46 per cent, were completed and returned. In attempting to determine more about characteristics of authors in the U.S. population, the researchers conducting the study referred to the Standard Occupational Classification Manual, used by the Bureau of the Census to define occupational titles. The Manual defines "authors" rather unsatisfactorily as follows:

This minor group includes occupations involving originating and editing written material for publication in printed form and for spoken use, broadcasting, and dramatic presentation; and translating or interpreting written or spoken words from one language to another.<sup>117</sup>

The results of the study, published in February 1981, revealed that the median income of an American author who had published one book was \$4,775 annually from book royalties, magazine and newspaper articles, and television and motion picture work. The study also indicated that the median income of authors responding to the survey was \$4.90 an hour in 1979. That same year, the median hourly wage for U.S. workers in production and manufacturing was \$6.54. Forty-six percent of respondents reported they worked less than half time at writing and also held paid positions, thereby supporting the widely held belief that many authors must supplement their writing incomes with income from other work. However, these findings certainly do not correspond to the popular image of writers with enormous incomes, an image created by



the extensive publicity accorded the rare bestseller sold for extraordinary sums to the media or to paperback publishers.<sup>118</sup>

The Authors Guild continued their cause by undertaking a program of public education on the issue through a series of presentations and publications, including articles published in the Authors Guild Bulletin to inform their membership about PLR systems in other nations. A high point occurred in February 1980 when Lord Willis, member of the British Parliament and passionate, humorous, and politically skillful PLR advocate, addressed the Guild at their annual meeting in New York. Lord Willis proclaimed to an enthusiastic audience that PLR "is not a charity, it is not a handout, it is not a gratuity, it is a right!"<sup>119</sup>

The publication in spring 1981 of an issue of Library Trends devoted to the public lending right provided a forum for a thorough discussion of the movement internationally and in the United States to that date. Incorporating contributions from a number of knowledgeable writers on matters of librarianship, authorship, copyright, and PLR, this publication was the impetus for a major symposium on the topic at the Center for the Book in the Library of Congress.<sup>120</sup> The symposium, conducted in September 1983, was one in a series on contemporary issues in the book community and was organized to bring authors, librarians, and government officials together for an objective discussion of PLR before more formal consideration of the idea took place in the U.S. Included among the participants were four of the contributors to the PLR Library Trends issue: Dennis Hyatt, Perry D. Morrison, George Piternick, and Thomas Stave.

According to moderator Paul Goldstein, the symposium was only the first step in exploring a topic that involved powerful and important questions of public policy. Thomas Stave, University of Oregon head documents librarian, outlined the history of the public lending right and noted that three conditions which contribute to the success of PLR abroad do not prevail in the U.S. First, U.S. literature is in no measure threatened by foreign book imports. Second, the U.S. political climate "is not receptive to the introduction of new forms of social welfare." Third, unlike many foreign coun-



tries, the U.S. does not have a strong tradition of government support for culture. Consequently, Stave thought the idea that the public lending right was a natural right of authorship was authors' strongest argument.<sup>121</sup>

Dorothy Schrader, general counsel of the U.S. Copyright Office, pointed out that there is "a public lending right of sorts" in the U.S. because copyright owners have the exclusive right to lend copies of a work as long as the work is not sold. She commented on the effort then under way in Congress to establish a commercial lending right for sound recordings and noted that if copyright were to be the vehicle of authors' compensation, "the establishment of a public lending right in the U.S. probably hinges on the outcome of the lending battles now being fought in the commercial arena between producers, distributors, and retail specialty stores." Schraeder raised an important practical consideration when she said the sheer size of the U.S. and decentralization of U.S. libraries and educational institutions will make it much more difficult to institute a PLR system here than in smaller and more centralized European nations.<sup>122</sup>

Robert Caro cited evidence for the need for PLR in the results of the 1981 study of authors' incomes conducted by the Columbia University Center for the Social Studies. He addressed his concern to the mistrust between writers and librarians that developed in Great Britain during the years before PLR was adopted there. He noted that all would need to work together in the U.S. to develop a fair scheme for compensating authors for the multiple uses of their copyrighted books in libraries.

John Sumsion, Great Britain's registrar for public lending right, said that the term "authors lending right" had been suggested as a more accurate and less controversial term than "public lending right." His suggestion was endorsed by U.S. author Anne Edwards, president of the Authors Guild. Edwards commented that while the Authors Guild did not yet have a specific plan in mind, the Guild was committed to work "as long as it takes" to obtain a public lending right in the U.S. Noted author Barbara Tuchman asserted that while she did not see how PLR could adversely affect libraries, "libraries could not exist without authors."<sup>123</sup>



Robert Wedgeworth, executive director of the American Library Association, spoke to the issue from his personal observations, because to that point PLR had generated no serious discussion within the American library community, and because ALA had taken no official position on it. He noted that the U.S. public library community includes about 8,000 libraries, half serving populations of less than 50,000. Funding of public libraries comes primarily from local sources, supplemented to a lesser degree by state and federal monies. He pointed out that the controversy over PLR has taken place "in the absence of any significant data on the role and influence of the library market on the sale of books." Libraries support authorship and emphasize its importance by sponsoring book awards, book discussions, lectures, and exhibits; organizing public readings; and presenting a variety of other programs. He said librarians would support almost any measure that would benefit authorship as long as library funding is not diminished. To develop a successful U.S. PLR scheme, he recommended that it should not be construed as a library program but should enhance authorship, and that as a federal program PLR should be funded and administered separately from library programs. Wedgeworth announced that ALA had contracted with the National Center for Educational Statistics to design a more effective data compilation system to provide information about the relationship between library borrowing and book sales.<sup>124</sup>

Toni Carbo Bearman, executive director of the National Commission on Libraries and Information Science, focused on two basic questions to be answered about PLR: Is such a support system for authors "in the public interest," and if so, who will pay for it?

In comparing PLR systems in Europe, University of Oregon Law Librarian Dennis Hyatt said that these schemes are not an appropriate model for the U.S. because it is much larger and more culturally diverse than European nations. There are fewer European libraries, and they are more centralized and more heavily used than their U.S. counterparts. He suggested an "authors' recompense," an automatic grant to U.S. authors not involving libraries at all, in place of a pure PLR program.



George Piternick described some alternatives to the public lending right, methods by which the importance of authorship could be recognized. These included libraries' paying augmented prices for books; libraries' delaying purchases of books during the first year of publication; excluding all or part of authors' royalties and fees from income taxation; conferring government grants to match an author's income from earnings and fees; and granting to authors direct government fellowships or aid. In response to these suggestions, Harold Cannon of the National Endowment for the Humanities (NEH) noted the limited but focused nature of the U.S. government's support of the arts and humanities, particularly the difference between merit-based programs administered by NEH and the National Endowment for the Arts, and PLR entitlement programs in other countries.

Moderator Paul Goldstein commented in closing that those favoring PLR must emphasize their shared aims in demonstrating to the nation that cultural goals are at least as important as other national goals, and that availability of funds to support a PLR system depends on the development of a national consensus. He described two hypothetical models which could help planners to determine the consequences of choosing alternate PLR methods. Under the "social insurance model," all professional writers would receive a specified subsidy regardless of their production. The "copyright model" would compensate authors only for the use of their published works. If a model is selected, it will probably fall somewhere between the two extremes and will shape important elements of the system, including issues of jurisdiction, funding, and payment. He noted that the public policy dimension of PLR was already being affected by new computer and video technologies that have made the physical book an "artificial distinction." Many libraries own no books in the traditional sense and instead maintain collections of computer software. When writers deposit their texts in data bases for publication on demand, an entirely new method of royalty payments must be devised. In future, the publishing and library worlds will be concerned with the use of an author's words in all formats. In his final statement, Goldstein said that in spite of differences of opinion, there appeared to be agreement among the participants of the need for society to encourage the greatest possible "production and consumption" of the



written word. In response to Bearman's question, he believed the group had affirmed that PLR is in the public interest.<sup>125</sup>

During the symposium, it was announced that Senator Charles Mathias, Jr., of Maryland, chair of the Senate Subcommittee on Patents, Copyrights and Trademarks, planned to introduce a bill to create a commission to report to Congress on the efficacy and logistics of establishing a public lending right system in the U.S. Senator Mathias, who had been asked to introduce the bill by the Authors Guild, commented, "I have always thought that Congress, by protecting the rights of authors, achieved two valuable goals -- the continued creation of high quality work, and the widest possible dissemination of these works to the reading public. I think that the public lending right idea is ripe for a review on the basis of these two goals."<sup>126</sup> Introduced November 18, 1983, the bill eventually suffered the same fate as the 1973 bill and did not receive a committee hearing, although the Authors Guild continued to lobby for its consideration.

Responding to the introduction of the PLR bill by Senator Mathias, the American Library Association adopted on January 11, 1984, a "Resolution on Public Lending Right Policy Formulation." The resolution recognized that PLR was a complex and important issue, noted that it had implications for the basic right of access to information, acknowledged that ALA should appropriately take a leadership role in the examination of PLR, and resolved that it was in the public interest for ALA to study PLR and to report ALA's interest to Congress and to other appropriate agencies.<sup>127</sup> The ALA Legislation Committee reported in June 1984 that the Ad Hoc Copyright Subcommittee had reviewed the bill and all attendant issues and had referred it to state and division liaisons for further action.<sup>128</sup>

In 1984 Authors Guild President Anne Edwards appointed the Committee for an Authors Lending Right, reflecting the group's preference for this term in place of PLR in their lobbying efforts, to study the plans in other countries with a view toward helping the Guild decide which elements of the various national schemes would be most applicable to the U.S.<sup>129</sup> The Committee included 99 members and supporters who worked through a steering committee which was charged to plan a symposium for



all Guild members to be held in February 1985. The Guild held a series of small seminars in place of a major symposium, however.<sup>130</sup> At a meeting in October 1984, the steering committee voted to change the working title "Authors Lending Right" to "Authors Lending Royalty," which it was agreed was less controversial.<sup>131</sup> In the following months, the Guild continued to work toward adoption of a PLR system in the U.S. and punctuated the Authors Guild Bulletin with regular articles on the topic.

At the urging of the Authors Guild and the Council of Writers Organizations, on March 14, 1985, Senator Mathias reintroduced "A Bill to establish a commission to study and make recommendations on the desirability and feasibility of amending the copyright laws to compensate authors for the not-for-profit lending of their works."<sup>132</sup> (See Appendix III.) The proposed commission would consist of eleven members, including the Librarian of Congress and ten members to be appointed by the President. The commission would represent authors, publishers, librarians, and the public, and would draw up a final report for legislative and administrative action to be submitted to the President and to Congress within two years. The commission would consider whether compensation to authors for the lending of their works would promote authorship without adversely affecting the reading public and would make recommendations for an appropriate system of payment to authors from funds to be appropriated by Congress or from a national trust fund established for the purpose. Specifically, the commission would also evaluate foreign systems; compile data on the lending of books; consider advantages and disadvantages of establishing authors' compensation by legislative or administrative action; identify appropriate criteria for determining amount of compensation; identify procedures to pay compensation without imposing burdensome administrative requirements on public libraries; recommend bases on which eligibility for payments would be determined; and recommend whether a compensation system should be administered by an existing government agency or by a new agency.

The Authors Guild was successful in finding a House of Representatives sponsor for the bill in Representative Robert Kastenmeier of Wisconsin, chairman of the House Judiciary Committee's Subcommittee on Courts, Civil Liberties, and the Administration of Justice, which deals with copyright matters. Rep. Kastenmeier



introduced the same bill into the House on September 22, 1986.<sup>133</sup> However, no action was taken on either bill, and Senator Mathias retired from the Senate in January 1987.

According to Authors Guild Executive Director Helen A. Stephenson, the Guild is working actively with Congressman Kastenmeier on reintroducing the PLR bill in spring 1987 and is seeking new sponsorship within the Senate Subcommittee on Patents, Copyrights, and Trademarks in the wake of Senator Mathias' retirement. The recently elected president of the Guild, Robert K. Massie, has reaffirmed the Guild's position on the issue. The organization remains firmly committed to implementing a PLR plan which will not burden libraries or librarians and is moving forward with a threefold agenda: educating writers, including the Guild's own members; mounting a public relations campaign to inform readers, librarians and others about the need for such a program and the Guild's commitment to libraries; and getting the appropriate legislation through Congress.<sup>134</sup> One problem in implementing a PLR system noted by Stephenson is that because the U.S. has no national library system to oversee or coordinate a PLR program as do many foreign countries, administration of a U.S. PLR program would need to be separated from libraries in some way.<sup>135</sup>

### **Specifics of a U.S. PLR System**

In the bills submitted by Senator Mathias and Congressman Kastenmeier, the purpose of PLR is not stated, although there is an implication that national benefits would somehow accrue from the promotion of authorship in the U.S. Before any legislation to implement PLR could be recommended, a definite purpose for the scheme would have to be identified and incorporated within the law. In these bills, the proposed Commission would be charged to determine eligibility for compensation of authors and of books and similar publications. The bills include as possible limitations on eligibility of authors 1) the copyright status of a work; 2) the nationality or domicile of the author; 3) the alienability or descendability of the right to compensation; and 4) a specified term of years. In recommending the establishment of a compensation system for the public lending of books, the Commission would be directed to identify appropriate criteria for determining the amount of compensation, and in doing so to consider



the number of copies sold to libraries; the number of copies stocked by libraries; and the number of circulations.

Members of the Authors Guild's Authors Lending Royalty Committee recognized eligibility as a thorny problem but agreed that the writing community should present many options for study to any Congressional hearing that might address the matter. They also favored compensation based on circulations rather than on the number of books sold to or stocked by libraries, because this method would reflect the public's actual use of books rather than the choices of a single group of professionals -- librarians.<sup>136</sup>

Any PLR scheme in the U.S. would probably have to be based on a library sample rotated among libraries with computerized systems. The great number of U.S. libraries and their considerable disparity in size and local financial resources mandate that any library sampling would have to be large enough to be sufficiently representative and carefully designed to minimize error.<sup>137</sup>

The Mathias/Kastenmeier bill would direct the Commission to make recommendations concerning a system of payments to authors from funds to be appropriated by Congress or from a national trust fund established for that purpose. It appears the assumption was made that a U.S. program would be funded by the national government, as is the case with all existing PLR systems. No option for funding by local government authorities is noted, perhaps in recognition of the fact that uniform local funding would be all but impossible within the complex U.S. system of federal, state, county, and municipal governments. As with all PLR systems, funding would come from public monies, levied by taxes, paid by the public. Such programs are not free, as some proponents seem to imply when they urge an expenditure of funds for PLR from "the government." To paraphrase Pogo, "We have met the government and it is us!" It is difficult to project the cost of such a program in the U.S., but a scheme based on circulations from public libraries could cost millions of dollars. In 1982 the total circulation from U.S. public libraries was 1.1 billion items, a substantial increase from the 986.7 million used in 1978.<sup>138</sup> Based on administrative costs of PLR programs in



other countries, costs of administering a program in the U.S. could be expected to run from five to ten per cent of the total appropriation for the program.

The size of a U.S. PLR program might dictate how it is administered. A program could be administered by the National Endowment for the Humanities or the National Endowment for the Arts or by a separate agency established solely for this purpose. It is probably not feasible for the Library of Congress to administer a PLR program under present circumstances. While the Library of Congress serves in some areas as the U.S.'s national library, it does not truly coordinate and control public libraries and library systems as do some national libraries. If the administrative responsibility were attached to an existing agency, additional funds would need to be allocated to the agency for staff and operational costs.

In considering a legal basis for PLR in the U.S., Ernest A. Seemann concludes it should be possible to accommodate PLR under existing U.S. copyright theories if PLR is declared a new positive right by legislation. He argues that the use of a library book is almost like a secondary transmission of the author's work, and there is a parallel in the recent legal approval of compulsory licensing for cable transmission. Therefore, it might be argued that library use is a reutilization similar to that made by cable operators of television programs and should thus be compensated for. Although he does not advocate PLR, he notes that if based on the rights of the author in his work and in the theory that each right may be utilized separately, PLR could indeed be part of the U.S. Copyright Act.<sup>139</sup> Alternatively, PLR could be implemented as social legislation not based in copyright. It would be to authors' advantage to implement PLR as special legislation because it could be lobbied for and enacted more easily than a revision to copyright law. Such legislation would probably be more readily accepted by librarians. However, it could also be repealed more easily than a scheme incorporated into copyright.

### **Comparisons with PLR Models Relevant to the U.S.**

In comparing the U.S. situation with that in countries which have adopted PLR systems, three nations are of particular relevance: the Federal Republic of Germany,



the United Kingdom, and Canada. These countries are of interest in part because their PLR systems are founded on quite disparate legal bases: West Germany's system is the only scheme based in copyright law; the United Kingdom's system is based on a parliamentary act; and Canada's system is based on an administrative agreement. If a national PLR system were to be implemented in the U.S., it might be possible to enact it either within copyright law or under specific legislation, but it would probably be more feasible under specific enabling legislation. The U.S. Copyright Act has a long history of resistance to change; the 1978 revision is the first since 1909. The additional complication of foreign authors' rights resulting from inclusion of PLR in copyright also makes this solution less attractive, particularly if the purposes of a U.S. PLR scheme will be to reward native authors and to encourage indigenous culture.

#### National Comparisons: U.S., Canada, Great Britain, Federal Republic of Germany

Country	Population <sup>a</sup>	Libraries <sup>b</sup>	Library Books <sup>b</sup>	Books Published <sup>c</sup>
U.S.	239,400,000	15,179	494,000,000	51,058
Canada	25,399,000	3,179	50,765,000	19,963
Great Britain	56,423,000	17,500	131,338,000	48,029
West Germany	60,950,000	11,147	83,302,516	58,592

Sources of data noted previously in statistical information preceding historical survey for each country:

a. 1985 estimates.

b. U.S. and Canada, 1985 data; Great Britain and West Germany, 1983 data.

c. U.S., 1984 data; Canada, 1980 data; Great Britain and West Germany, 1982 data.

It is enlightening to compare in the above table the statistics of the population, the number of libraries, the number of library books, and the number of book titles published in these four nations. The West German population was estimated to be 60,950,000 in 1985. This figure is comparable with the U.K.'s estimated 1985 population of 56,423,000. There were 11,147 West German public libraries owning



83,302,516 volumes in 1983, while in the U.K. there were 17,500 public library service points owning more than 131,338,000 volumes. In 1982, 58,592 book titles were published in West Germany, with 48,029 book titles published in Great Britain.

The population of Canada in 1985 was estimated to be 25,399,000. The neighboring U.S. population was estimated to be 239,400,000, almost ten times as great. There were 3,179 Canadian public library service points in 1982 which owned 50,765,000 volumes. In the U.S. in 1985, there were 15,179 public library service points; in 1982 U.S. public libraries owned more than 494,000,000 volumes, almost ten times more than Canada's public library holdings. In 1980, 19,963 book titles were published in Canada, while in the U.S. in 1984, 51,058 titles were published.

Canadian - U.S. comparisons are particularly telling. Canada, like the U.S. and Australia, is a federal state, and had different problems implementing PLR than did the unitarian states of Scandinavia. Both Canada and Australia found administrative rather than legal solutions to the PLR question, but such a solution does not seem feasible for the U.S. within its system of government. Canada is particularly concerned about maintaining its national identity beside its stronger neighbor. English language books entering Canada from the U.S. and U.K. are subject to few customs barriers and freely compete with Canadian publications. The English language market in Canada is approximately one-fifteenth of that in the U.S., a factor that looms large in the ability of a Canadian author to support himself and his work.<sup>140</sup> In the U.S., the desire to protect national literature is of much less concern because the U.S. culture is not threatened with domination by a larger neighbor.

In both Great Britain and Canada, PLR came into being after years of action by writers' groups who worked aggressively to overcome opposition. The Canadian situation was helped considerably by librarians' realization that Canadian culture was in need of support and encouragement to survive. In West Germany, collecting societies played a considerable part in the political struggle for PLR. The West German system was implemented within copyright under a general contract between the federal government, the eleven federated German states, and four collecting societies. It seems



fairly clear that in the U.S., authors' groups will have to follow the lead of their foreign colleagues with strong and concerted efforts to enlist the support of political and library leaders if they are to be successful in attaining their goal.

While the question, "Is PLR in the public interest?" has been asked, the Authors Guild's interest in the issue will no doubt continue "as long as it takes." Given the current national concern about the ever-growing deficit between federal revenues and expenditures, it may take quite a long time before any sort of benefit program for authors receives federal funding. Few of the reasons that PLR has been implemented abroad apply in the U.S. Although the Authors Guild's survey revealed low incomes for the majority of American authors surveyed, relevant social conditions present in PLR countries do not exist in the U.S. The extent of social welfare in the U.S. is much lower than in Scandinavia or British Commonwealth countries, and new forms of social welfare are not well received in the present U.S. political climate. There is no real threat of the disappearance of the American culture as a result of assaults of foreign authors on the nation's readers, and the U.S. does not have a strong tradition of government support for culture. The size and complexity of the U.S. society, the great number of public libraries and the diverse groups they serve, and the question of who would pay for a PLR program are factors which work against the adoption of such a program.

If PLR is adopted in any form, public libraries will certainly be very involved. Theodore Rozzak calls America's libraries "the best-developed reference and reading service available to the general public. A genuinely idealistic institution... offering intellectual sustenance to our society since the days of Benjamin Franklin."<sup>141</sup> This philosophy is reflected in the proprietary attitude held by many citizens toward their libraries. It will not be to authors' advantage if citizens perceive the legitimacy and mission of their free public libraries to be threatened by PLR and feel compelled to defend them. The leadership of the Authors Guild is wise in remaining committed to a PLR plan which will burden neither libraries nor librarians. However, they will have to define clearly how such a program will be maintained and must develop a careful public relations campaign to carry this message throughout their efforts.



### **Summary and Conclusions: Is a Public Lending Right Possible in the U.S.?**

The future of the public lending right in the U.S. is difficult to foresee. While the question, "Is PLR in the public interest?" has been asked, the Authors Guild's interest in the issue will no doubt continue "as long as it takes." Given the current national concern about the ever-growing deficit between federal revenues and expenditures, it may take quite a long time before any sort of benefit program for authors receives federal funding. Few of the reasons that PLR has been implemented abroad apply in the U.S. Although the Authors Guild's survey revealed low incomes for the majority of American authors surveyed, relevant social conditions present in PLR countries do not exist in the U.S. The extent of social welfare in the U.S. is much lower than in Scandinavia or British Commonwealth countries, and new forms of social welfare are not well received in the present U.S. political climate. There is no real threat of the disappearance of the American culture as a result of assaults of foreign authors on the nation's readers, and the U.S. does not have a strong tradition of government support for culture. The size and complexity of the U.S. society, the great number of public libraries and the diverse groups they serve, and the question of who would pay for a PLR program are factors which work against the adoption of such a program.

If PLR is adopted in any form, public libraries will certainly be very involved. Theodore Roszak calls America's libraries "the best-developed reference and reading service available to the general public. A genuinely idealistic institution ... offering intellectual sustenance to our society since the days of Benjamin Franklin."<sup>141</sup> This philosophy is reflected in the proprietary attitude held by many citizens toward their libraries. It will not be to authors' advantage if citizens perceive the legitimacy and mission of their free public libraries to be threatened by PLR and feel compelled to defend them. The leadership of the Authors Guild is wise in remaining committed to a PLR plan which will burden neither libraries nor librarians. However, they will have to define clearly how such a program will be maintained and must develop a careful public relations campaign to carry this message throughout their efforts.



Libraries' involvement with a PLR program will have an impact on library resources, including staff time, computer time, and equipment. Librarians are legitimately concerned that PLR would result in decreased funding and increased workloads. In libraries with computerized circulation systems, gathering data to support a PLR program could be relatively simple once initial programming is done. However, libraries with manual circulation systems -- and there are many in the U.S. -- would find gathering data from manual files a considerable problem which could consume a great deal of staff time. Even if libraries are paid for staff time spent compiling information for a PLR program, as they are in Canada and Great Britain, such activities require direction and supervision. In 1986, of £2,750,000 in PLR funding in Great Britain, £344,000 or over twelve per cent was spent for administrative costs.<sup>142</sup> In Canada's first PLR year ending March 1987, of a total allocation of CAD\$3,000,000, CAD\$225,000 or over seven per cent was spent for administrative costs.<sup>143</sup> Based on the experiences in other PLR nations, administrative costs of a U.S. PLR program could be expected to fall within the range of five to ten percent of the total allocation and as noted previously could cost millions of dollars. Authors seeking librarians' support should be aware that they are demanding a selfless attitude from librarians who have nothing to gain unless PLR stimulates book production, an uncertain possibility at best. PLR would bring librarians additional work with no corresponding benefit to their responsibilities, their libraries, or their profession.

The Authors Guild asserts that PLR payment to authors is not a charity but a right, but it is a right only if created by statute. It seems odd that the public lending right has only recently been discovered, remaining quiescent during the five hundred years books have been published and the almost two centuries of public library development.

The Guild is emphasizing the low income of authors as the primary impetus for adoption of a PLR program in the U.S. This argument may win few converts when so many U.S. citizens live below the poverty line, and the nation has problems simply providing the basic human needs many require to stay alive. While it may be agreed



that government grants to support literature and the arts have been insubstantial and ineffective, it should also be recognized that government does not do as well supporting individual authors and artists as it does supporting institutions and organizations such as museums and symphonies. PLR's goal to assist needy authors will not be achieved under a scheme based on library circulations because the better known, more established authors who least need assistance will receive the greatest benefit.

The public lending right is unprecedented in law and is based on a totally unproven claim of damage, that free lending of books from libraries has a negative effect on the sales of books. No hard evidence exists to support this assumption. Although authors as a group may not be paid on a scale relative to their value as contributors to the national welfare, questions remain as to the appropriateness of government subsidy of writers over any other group of workers, cultural or not.

Public libraries in the U.S. have been on the defensive during recent years as library advocates in Congress were called upon repeatedly to defeat attempts by the Reagan Administration to reduce or eliminate funding for long-time national library assistance programs. State and local support too has been uneven, resulting in a number of major libraries with money problems.<sup>144</sup> In such a political climate, a new writers' assistance program which may negatively affect libraries is not viewed kindly by librarians. Eileen Cooke, knowledgeable director of the ALA Washington office and veteran lobbyist for libraries, commented, "No one expects the government will give authors one penny!" She noted that publishers seem neutral to PLR if not cool, and that no one has discussed it since 1984. She expressed concerns about the Mathias/Kastenmeier bill, asking about the proposed commission, "Who's going to pay for the group to come to town just to consider the issue?" Cooke said, "It sounds rather cruel, but writing should be an avocation if one can't make a living at it."<sup>145</sup>

Authors who actively support the public lending right have their work cut out for them if they are to counter the strong feelings of librarians such as Eileen Cooke. One possible forum for discussion of the issue may come during the proposed 1989 second White House Conference on Library and Information Services, for which leg-



isolation is now under consideration in Congress.<sup>146</sup> A review of the PLR movement and of authors' concerns during this conference could focus attention on the issue and would at least serve to educate influential library supporters about it. Yet another agency where discussion could take place is the National Commission for Libraries and Information Science (NCLIS), which "could get in early and formulate some common sense approaches and attitudes before the debate sinks to the level it achieved during the British battle on the same issue," according to Eric Moon, past president of ALA and former editor of the Library Journal.<sup>147</sup>

Authors Guild Executive Director Helen Stephenson notes that the Guild has not yet made the quantum leap in working toward an authors' lending royalty, but the organization plans to hire a lobbyist to help focus their efforts and to market the idea to Congress and to the public. Supporting the lobbying efforts of the American Library Association in its battles to maintain federal funding for one of the nation's most important cultural resources, the public library, will also enhance authors' standing with the library community and should help in the authors' cause.<sup>148</sup>

While the public lending right is an idea whose time has come in eleven countries of the world, prospects for its adoption in the U.S. seem distant at this time. Authors, librarians, and the public must be educated about PLR before substantial progress toward it can be made. More information about those who buy and borrow books, and the kinds of books readers buy and borrow must be gathered and interpreted. More importantly, the current national concerns over government intrusion into citizens' lives and the massive and ever-growing federal deficit may at least delay serious consideration of the PLR issue in the U.S. for some time.

14. United Nations Educational, Scientific and Cultural Organization (UNESCO), *The ABC of Copyright* (Paris, 1981), pp. 43-44.

15. *World Almanac and Book of Facts, 1981* (New York: World Almanac, 1980), p. 364.



## NOTES

1. Angela C. Million and James S. Healey, "Public Lending Right: An Overview," Public Libraries, vol. 21, no. 1 (Spring 1982), pp. 26-27.
2. Thomas Stave, "Public Lending Right: A History of the Idea," Library Trends, vol. 29, no. 4 (Spring 1981), p. 572.
3. Ernest A. Seemann, "A Comparative Look at Public Lending Right from the USA," in Public Lending Right: Reports of an ALAI Symposium and Additional Materials, ed. H. Cohen Jehoram (Amsterdam: Kluwer Law and Taxation Publishers, 1983) (hereafter cited as ALAI Symposium) pp. 137, 146.
4. Stave, "Public Lending Right," p. 571.
5. Million and Healey, "Public Lending Right," p. 29.
6. Ibid.
7. George Piternick, "Points of View of Librarians: Alternatives to PLR," Library Trends, vol. 29, no. 4 (Spring 1981), p. 638.
8. William Z. Nasri, "Copyright," in ALA World Encyclopedia of Library and Information Services, 2d ed. (Chicago: American Library Association, 1986), p. 223.
9. Dennis Hyatt, "Legal Aspects of Public Lending Right," Library Trends, vol. 29, no. 4 (Spring 1981), p. 583.
10. Ibid., p. 586.
11. Ibid., p. 589.
12. Nasri, "Copyright," p. 230.
13. International Literary Market Place 1986-87 (New York and London: R.R. Bowker Company, 1986), p. 479.
14. United Nations Educational, Scientific and Cultural Organization (UNESCO), The ABC of Copyright (Paris, 1981), pp. 63-64.
15. World Almanac and Book of Facts 1987 (New York: World Almanac, 1987), p. 564.



16. American Library Association, ALA World Encyclopedia of Library and Information Services, 2d ed. (Chicago, 1986), p. 564.
17. United Nations, Statistical Yearbook 1983/84, 34th ed. (New York, 1986), p. 444.
18. Per Kogeson, "Authors' Lending Royalty Plans in Europe Detailed," Authors Guild Bulletin, Spring 1986, p. 22.
19. Rudolph C. Ellsworth, "Public Lending Right In Its Canadian Context," Ontario Library Review, vol. 60, no. 1 (March 1976), p. 23.
20. Henning Rasmussen, "Public Lending Right: Its History, Development and Machinery in Denmark and Australia," (M.A. thesis, Monash University, 1979), in Thomas Stave, "Public Lending Right: A History of the Idea," Library Trends, vol. 29, no. 4 (Spring 1981), p. 573.
21. Ole Koch, "Situation in Countries of Continental Europe," Library Trends, vol. 29, no. 4 (Spring 1981), p. 642.
22. Ibid., p. 643.
23. Kogeson, "Authors' Lending Royalty Plans," p. 22.
24. W. Weincke, "Public Lending Right in Denmark," in ALAI Symposium, p. 19.
25. Ibid., p. 22.
26. World Almanac, p. 601.
27. ALA World Encyclopedia, p. 609.
28. Statistical Yearbook 1983/84, p. 445.
29. Anna Lise Sijthoff-Stray, "Public Lending Right in Denmark," in ALAI Symposium, pp. 129-130.
30. Koch, "Situation in Countries of Continental Europe," p. 645.
31. Kogeson, "Authors' Lending Royalty Plans," p. 22.
32. Sijthoff-Stray, "Public Lending Right in Denmark," p. 133.
33. Kogeson, "Authors' Lending Royalty Plans," p. 23.
34. World Almanac, p. 616.



35. ALA World Encyclopedia, p. 789.
36. Statistical Yearbook 1983/84, p. 445.
37. Koch, "Situation in Countries of Continental Europe," p. 647.
38. Ibid, pp. 648-649; Kogeson, "Authors' Lending Royalty Plans," p. 23.
39. Kogeson, "Authors' Lending Royalty Plans," p. 23.
40. World Almanac, p. 569.
41. ALA World Encyclopedia, p. 280.
42. Statistical Yearbook 1983/84, p. 444.
43. Koch, "Situation in Countries of Continental Europe," p. 649.
44. Pirkko-Liisa Aro, "The Present Situation of Lending Rights in Finland," in ALAI Symposium, p. 39.
45. Ibid., p. 38.
46. Ibid., pp. 38-39.
47. Kogeson, "Authors' Lending Royalty Plans," p. 22.
48. Aro, "The Present Situation of Lending Rights in Finland," p. 38.
49. World Almanac, p. 578.
50. ALA World Encyclopedia, p. 348.
51. Europa Yearbook 1986 (London: Europa Publications Ltd., 1986), vol. 1, p. 1289.
52. Sigurdur Reynir Petursson, "Public Lending Right in Iceland," in ALAI Symposium, p. 124.
53. Ibid., p. 123.
54. Koch, "Situation in Countries of Continental Europe," p. 650.
55. Kogeson, "Authors' Lending Royalty Plans," p. 22.
56. Petursson, "Public Lending Right in Iceland," p. 126.



57. World Almanac, p. 598.
58. ALA World Encyclopedia, p. 598.
59. Statistical Yearbook 1983/84, p. 445.
60. Koch, "Situation in Countries of Continental Europe," pp. 651-652.
61. Kogeson, "Authors' Lending Royalty Plans," p. 23.
62. World Almanac, p. 573.
63. ALA World Encyclopedia, p. 306.
64. Statistical Yearbook 1983/84, p. 445.
65. Kogeson, "Authors' Lending Royalty Plans," p. 21.
66. United Nations Educational, Scientific, and Cultural Organization (UNESCO), Copyright Laws and Treaties of the World, Supplement 1981-1983 (Paris, 1984), p. 4.
67. Adolf Dietz, "Public Lending Right in the Federal Republic of Germany," in ALAI Symposium, pp. 27-29.
68. Kogeson, "Authors' Lending Royalty Plans," p. 21.
69. World Almanac, p. 598.
70. ALA World Encyclopedia, p. 601.
71. Statistical Yearbook 1983/84, p. 446.
72. Peter Banki, "Public Lending Right in Australia and New Zealand," in ALAI Symposium, p. 117.
73. Henning Rasmussen, "Public Lending Right: Situation in New Zealand and Australia," Library Trends, vol. 29, no. 4 (Spring 1981), p. 688.
74. Ibid., p. 689.
75. Banki, "Public Lending Right in Australia and New Zealand," p. 117.
76. World Almanac, p. 548.
77. ALA World Encyclopedia, p. 90.
78. Statistical Yearbook 1983/84, p. 446.



79. Rasmussen, "Public Lending Right," p. 696.
80. Banki, "Public Lending Right in Australia and New Zealand," p. 114.
81. Ibid., p. 115.
82. Ibid.
83. World Almanac, p. 624.
84. ALA World Encyclopedia, p. 824.
85. Statistical Yearbook 1983/84, p. 445.
86. Ion Trewin, "PLR Payment to Authors in U.K. Increases 38%," Publishers Weekly, vol. 229, no. 7 (February 14, 1986), p. 23.
87. Raymond Astbury, "The Situation in the United Kingdom," Library Trends, vol. 29, no. 4 (Spring 1981), p. 661.
88. L.J. Taylor, A Librarian's Handbook (London: Library Association, 1976), p. 403.
89. Ion Trewin, "British Authors Get First PLR Royalties," Publishers Weekly, vol. 225, no. 7 (February 17, 1984), p. 31.
90. Herbert Mitgang, "A Penny for Their Thoughts -- How Authors Can Get Library 'Royalties'," New York Times Book Review, March 30, 1986, p. 3.
91. Trewin, "PLR Payments to Authors," p. 23.
92. John W. Sumsion, "PLR: An Appraisal," Library Association Record, vol. 88, no. 2 (February 1986), p. 71.
93. World Almanac, p. 556.
94. ALA World Encyclopedia, p. 157.
95. Statistical Yearbook 1983/84, p. 442.
96. Francoise Hebert, "CACUL Copyright Workshop," Canadian Library Journal, vol. 33, no. 2 (April 1976), p. 98.
97. Telephone interview with Andreas Schroeder, Chairman of the Canadian Public Lending Right Commission, Montreal, Quebec, March 6, 1987.



98. Sally Ashley, "Canadian Writers Win Battle for Library-Use Payments," Authors Guild Bulletin, Winter 1987, p. 30.
99. Andreas Schroeder, March 6, 1987.
100. Susan Fisher, "Government Moves on Author Scheme," Feliciter, vol. 32, no. 6 (June 1986), p. 1.
101. Telephone interview with Michel Blanc, Executive Secretary of the Canadian Public Lending Right Commission, Ottawa, Ontario, March 9, 1987.
102. Lynne Owen, "Deadline In Sight for PLR Workers," Feliciter, vol. 33, no. 2 (February 1987), p. 1.
103. "First PLR Cheques Printed," Feliciter, vol. 33, no. 4 (April 1987), p. 1.
104. Sally Ashley, "Canadian Writers Win Battle," p. 30.
105. World Almanac, pp. 431, 217.
106. Bowker Annual of Library & Book Trade Information, 31st ed., (New York: R.R. Bowker, 1986), pp. 391, 350.
107. Ibid., p. 420.
108. Literary Market Place (New York: R.R. Bowker, 1986), pp. 296-297.
109. Milo Nelson, "Month in Review", Wilson Library Bulletin, vol. 58, no. 3 (November 1983), p. 168.
110. U.S. Congress, House, A Bill to Establish a Commission to Study and Make Recommendations on Methods for Compensating Authors for the Use of Their Books by Libraries, 93d Cong., 1st sess., 1973, H.R. 4850.
111. Perry D. Morrison, "The Situation in Canada and the United States," Library Trends, vol. 29, no. 4 (Spring 1981), p. 710.
112. "Reid Sponsors House Bill to Study Library Lending," Authors Guild Bulletin, March-April 1973, p. 5.
113. Letter from Helen A. Stephenson, Executive Director of the Authors Guild, New York, New York, March 4, 1987.
114. "Guild Council Votes to Study Public Lending Right for U.S. Writers," Authors Guild Bulletin, September-October 1979, p. 1.
115. Ibid.



116. "Study by Columbia Center Will Probe Economics of Authorship," Authors Guild Bulletin, November-December 1979, p. 1.
117. Paul W. Kingston, The Columbia Economic Survey of American Authors: A Summary of Findings, (New York: Columbia University, Center for the Social Sciences, 1981), p. 9.
118. Ibid., pp. 14, 19.
119. "Guild Annual Meeting Highlights PLR Issue," Authors Guild Bulletin, May-June 1980, p. 1.
120. John Y. Cole, "Public Lending Right, A Symposium at the Library of Congress," Library of Congress Information Bulletin, December 12, 1983, p. 427.
121. Ibid., p. 428.
122. Ibid.
123. Ibid.
124. Ibid., p. 429.
125. Ibid., p. 431.
126. "Senate Bill Backs Study of Public Lending Right in U.S." Authors Guild Bulletin, Winter 1984, p. 3.
127. American Library Association, "Resolution on Public Lending Right Policy Formulation," Council Document 31.9, adopted by the Council of the American Library Association, Washington, D.C., January 11, 1984.
128. Laura N. Gasaway, "A Public Lending Right for the United States," Arkansas Libraries, vol. 41, no. 4 (December 1984), p. 8.
129. "Guild Group Begins Campaign for Authors Lending Right," Authors Guild Bulletin, Summer 1984, p. 1.
130. Telephone interview with Helen A. Stephenson, New York, New York, May 22, 1987.
131. Suzi Arensberg, "Guild Pursues Royalties for Library Book Loans," Authors Guild Bulletin, Fall 1984, pp. 1-2.



132. U.S. Congress, Senate, A Bill to Establish a Commission to Study and Make Recommendations on the Desirability and Feasibility of Amending the Copyright Laws to Compensate Authors for the Not-for-profit Lending of Their Works, 99th Cong., 1st sess., 1985, S. 658.
133. U.S. Congress, House, A Bill to Establish a Commission to Study and Make Recommendations on the Desirability and Feasibility of Amending the Copyright Laws to Compensate Authors for the Not-for-profit Lending of Their Works, 99th Cong., 2d sess., 1986, H.R. 5571.
134. Letter from Helen A. Stephenson, March 4, 1987.
135. Telephone interview with Helen A. Stephenson, New York, New York, April 3, 1987.
136. Arensberg, "Guild Pursues Royalties," p. 4.
137. Million and Healey, "Public Lending Right," p. 30.
138. Bowker Annual, p. 350.
139. Seeman, "A Comparative Look at Public Lending Right from the USA," pp. 163-164.
140. Roy C. Sharp, quoted in Herbert, "CACUL Copyright Workshop," p. 94.
141. Theodore Roszak, The Cult of Information (New York: Pantheon Books, 1986), p. 172.
142. Sumsion, "PLR: An Appraisal," p. 73.
143. Andreas Schroeder, March 6, 1987.
144. Karl Nyren, "News in Review, 1986," Library Journal, vol. 112, no. 1 (January 1987), p. 39.
145. Telephone interview with Eileen D. Cooke, Director of the American Library Association Washington Office, Washington, D.C., March 12, 1987.
146. "WHCLIS II," ALA Washington Newsletter, vol. 39, no. 5 (April 20, 1987), pp. 1-2.
147. Eric Moon, "Our Commission, Our Omissions," Library Journal, vol. 109, no. 12 (July 1984), p. 1285.
148. Helen A. Stephenson, May 22, 1987.



Appendix I

TABLE OF PUBLIC LENDING RIGHT REGULATIONS AND BENEFITS\*

Country [date PLR implemented]	Bases and Benefits of the Public Lending Right									
	Legal Basis	Payment Basis	Government Contributions	Types of Libraries Covered	Works Covered	Eligibility Requirements	Translator included?	Illustrator included?	Publisher included?	
Australia [1974]	Admin. Regulation	sampling of holdings	A\$1.25 Million [1981]	Public	all types of books	citizens and "landed immigrants"	yes	yes	yes	
Canada [1986]	Admin. Regulation	sampling of holdings	CAD\$3 million [1986]	Public and Academic	all types of books	citizens only	yes	yes	no	
Denmark [1946]	Public Library Act	listing of holdings	65 million Dkr. [1986]	Public and Primary School	all types of books	citizens only	no	no	no	
Federal Republic of Germany [1972]	Copyright Law	sampling of lending frequency	14 million DM [1986]	Public	all types of books, other formats	citizens and foreigners [reciprocity required]	yes	yes	yes	
Finland [1964]	Public Library Act	sampling of lending frequency	12.3 million marks [1986]	Public	all types of books	citizens only	yes	yes	no	
Iceland [1967]	Public Library Act	listing of holdings	2.2 million crowns [1984]	Public	belles- lettres only	citizens only	no	no	no	
The Netherlands [1971] (suspended 1983)	Admin. Regulation	acquisitions	480,000 guilders [1983]	Public	belles- lettres only	citizens only	no	no	no	
New Zealand [1973]	Admin. Regulation	sampling of holdings	NZ\$200,000 [1980]	Public and Academic	all types of books	citizens and "landed immigrants"	yes	NA	no	
Norway [1947]	Public Library Act	acquisitions	14 million Nkr. [1984]	Public and School	all types of books	citizens only	yes	no	no	
Sweden [1954]	Admin. Regulation	sampling of lending frequency	45 million Skr. [1984]	Public and School	all types of books	citizens only	yes	yes	no	
United Kingdom [1982]	Separate Law	sampling of lending frequency	£2,750,000 [1986]	Public	all types of books	citizens and foreigners [reciprocity required]	yes	yes	no	

\* Adapted from Seemann, ALAI Symposium, pgs.180-181.



## Appendix II

## CANADIAN PUBLIC LENDING RIGHT COMMISSION INFORMATION FOR AUTHORS

PUBLIC LENDING RIGHT COMMISSION  
 COMMISSION DU DROIT DE PRET PUBLIC  
 P.O. BOX 1047, Ottawa, Ont. K1P 5V8

October 29, 1986

Dear Author (or Contributor: i.e., translator, illustrator, photographer, editor, etc.):

We are pleased to confirm that the Department of Communications has recently agreed to compensate Canadian writers for the use of their books in Canada's public and university libraries. Beginning immediately, an annual Public Lending Right fund of three million dollars will be set aside for this purpose.

Since the government's current fiscal year ends in March of 1987, this means we must have an entire PLR scheme in place and the cheques mailed out within less than five months, or lose this year's instalment. To avoid this, and to keep administrative costs to an absolute minimum (since these costs must come out of the fund itself), we are developing the most efficient, no-frills programme possible -- and to do this, we must rely to a considerable degree on your cooperation and forbearance.

The enclosed package contains an author's (contributor's) registration form and a single title data sheet. You are eligible for PLR payment, and should fill out the registration form if:

- 1) You are a Canadian citizen, or
- 2) You have been a landed immigrant for at least 5 years.

*Note:* If you live outside Canada but meet the citizenship requirements, you are eligible for PLR payment. Also: only living authors are eligible. You may not claim payment on behalf of a deceased author's estate or his survivors.

Now to the title data sheet. Before you begin, please make as many photocopies of this form as the number of *eligible* titles for which you'll be claiming PLR. Then fill out one sheet for each title. (Further note: if separate editions of your work have been published, i.e., hardback, paperback, etc., you should fill out a separate title data sheet for each edition. If in doubt, remember that separate editions have separate ISBN numbers.)

#### Ineligible Titles:

Do not fill out a title data sheet if your work

- 1) is wholly or mainly a musical score,
- 2) is a newspaper, magazine or periodical,
- 3) is a calendar, diary, agenda or coloring book,
- 4) is a directory, index compilation or bibliography of minimal critical content,
- 5) is the catalogue of an exhibition,
- 6) was written by more than 4 authors or contributors whose names appear on the title page,
- 7) was written for an employer under a contract for service (salary), so that you hold no copyright,
- 8) was intended primarily as a textbook,
- 9) is a purely instructional "how-to" book,
- 10) is a work containing fewer than 49 pages, or a children's work containing fewer than 24 pages.

#### Percentage Share:

To calculate your percentage share of the potential PLR payment creditable to a given title, note the following:

- 1) The original, eligible author of an eligible title is entitled to 100% of a title's PLR payment, but only if no other contributors, such as co-authors, illustrators, photographers, etc. are involved. If they are, see below.
- 2) Translated titles: The original author of a translated and eligible title is entitled to 60% of the PLR payment. The translator is entitled to 40%. Both author and translator should apply for their respective portions as separate applicants.



- 3) Edited titles: Provided an eligible edited title also contains significant Canadian content, an editor whose name appears on the title page is entitled to 20% of the PLR payment for that title. If multiple editors share copyright, they must divide this 20% between or among themselves.
- 4) Illustrators or photographers, if eligible, will share the applicable PLR payment with the writer(s) of the work. In this case, claimants must come to an agreement between or among themselves as to the percentage share for which each will apply. If such agreement cannot be reached informally, we encourage the use of the work's original contract as a guide. Please note that the Commission will not arbitrate disputes. In all cases, all claimants must make a separate application for their PLR shares.

**How the System Will Work:**

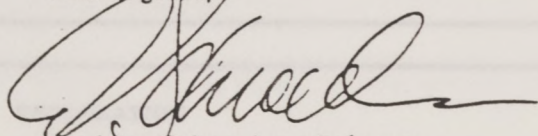
Because of the prohibitive cost of determining PLR payments on the basis of actual library borrowings (circulation), the Commission has decided that its initial system will be based on the much less expensive method of sampling the holdings of a representative number of public and university libraries from across the country. Accordingly, the larger the number of libraries in which an eligible title is found, the larger the PLR payment. (So far, a scale of payments has not yet been settled on). Any titles not found in a certain minimum number of libraries (this minimum still to be determined) will not receive a PLR payment. On the other hand, there will also be a definite upper limit on how much any author or contributor may earn from the scheme. The sampling will be repeated each year, and the sample libraries may be rotated to some extent.

**Deadlines:**

Because of the extraordinarily short time available for the designing and implementation of a PLR programme this year, we have effectively no margins for error at all. This means that if you fill out your forms incorrectly, if an ISBN number is wrong or a title inaccurate, your 1986/87 PLR payment for that book may well be forfeit. The same must hold true for registration forms which arrive after the deadline. So please ensure that the information you report is absolutely accurate, then rush it to us by return mail. *ALL FORMS MUST BE IN OUR HANDS BY DECEMBER 15, 1986.* For emergencies, and emergencies only, our telephone number is (613) 598-4378, but we're not accepting collect calls. (We'd rather give the fund's money to writers than to the telephone company). As you can see, your patience and forbearance really must be an integral part of this process. Once this short "year" is over, we'll all be able to slow down and proceed by more normal standards.

If you know any writers, translators, illustrators or photographers who might be eligible for PLR but have not heard about the programme, please help us out by urging them to contact the Commission at once.

Best regards,



Andreas Schroeder, chairman  
Executive Committee  
PLR Commission



Public  
Lending  
Right  
Commission

P.O. Box 1047  
Ottawa, Ontario  
K1P 5V8

## Commission du Droit de prêt public

C.P. 1047  
Ottawa (Ontario)  
K1P 5V8

AUTHOR/CONTRIBUTOR REGISTRATION SHEET / FORMULE D'INSCRIPTION D'AUTEUR/COLLABORATEUR  
(Please print or type / Lettres moulées ou dactylographiées)

SURNAME NOM DE FAMILLE	GIVEN NAME PRENOM								
MAILING ADDRESS ADRESSE POSTALE									
Street/Rue: _____									
City/Ville: _____ Province/State/Etat: _____									
Country/Pays: _____ Postal code/Code postal: _____									
Home phone/Résidence: (____) _____ Business/Bureau: (____) _____									
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<p><b>DECLARATION</b></p> <p>I declare the information I have given to be true and accurate, and that I am eligible for PLR payment according to the guidelines attached.</p> <p>Date: _____</p>	<p><b>DÉCLARATION</b></p> <p>Je déclare que les renseignements fournis sont véridiques et exacts et que je suis admissible au versement de paiements de DPP selon les lignes directrices apparaissant en annexe.</p> <p>Signature: _____</p>
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[illegible]

Return all copies to PLR Commission  
Veuillez retourner toutes les copies à la Commission DPP



**Public  
Lending  
Right  
Commission**

P.O. Box 1047  
Ottawa, Ontario  
K1P 5V8

**Commission  
du Droit  
de prêt  
public**

C.P. 1047  
Ottawa (Ontario)  
K1P 5V8

**TITLE DATA SHEET / FORMULE D'ÉTABLISSEMENT DE TITRE**  
(Please print or type / Lettres moulées ou dactylographiées)

NAME OF AUTHOR (CONTRIBUTOR)  
NOM DE L'AUTEUR (COLLABORATEUR)

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PSEUDONYM (or name on title page if not the same as above)  
PSEUDONYME (ou le nom sur la page titre si ce n'est pas celui mentionné ci-dessus)

TITLE  
TITRE

ISBN # (if assigned / si assigné)

LANGUAGE  
LANGUE

☐

English  
Anglais

☐

French  
Français

Other  
Autres

CATEGORY (check one only)  
CATÉGORIE (cocher une catégorie seulement)

☐

Poetry  
Poésie

☐

Children's Literature  
Littérature pour enfants

☐

Drama  
Théâtre

☐

Fiction  
Roman-nouvelle

☐

Non-Fiction

YOUR CONTRIBUTION  
VOTRE APPORT

☐

Author  
Auteur

☐

Co-author  
Co-auteur

☐

Editor  
Editeur

☐

Illustrator  
Illustrateur

☐

Photographer  
Photographe

☐

Translator  
Traducteur

YOUR SHARE OF THE POTENTIAL PLR PAYMENT  
VOTRE PART POSSIBLE DE PAIEMENT DE DPP

%

**DECLARATION**

I declare the information I have given to be true and accurate, and that this title is eligible for PLR payment according to the guidelines attached.

Date: \_\_\_\_\_

**DÉCLARATION**

Je déclare que les renseignements fournis sont véridiques et exacts et que ce titre est admissible au versement de paiements de DPP selon les lignes directrices apparaissant en annexe.

Signature: \_\_\_\_\_



## Appendix III

99TH CONGRESS  
1ST SESSION

# S. 658

To establish a commission to study and make recommendations on the desirability and feasibility of amending the copyright laws to compensate authors for the not-for-profit lending of their works.

---

## IN THE SENATE OF THE UNITED STATES

MARCH 14 (legislative day, FEBRUARY 18), 1985

Mr. MATHIAS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To establish a commission to study and make recommendations on the desirability and feasibility of amending the copyright laws to compensate authors for the not-for-profit lending of their works.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That there is hereby created a National Commission on the  
4       Lending of Authors' Works (hereinafter in this Act referred  
5       to as the "Commission").

6       SEC. 2. The purpose of the Commission is to consider  
7       whether specific compensation to authors for the lending of  
8       their works would promote authorship in the United States



## 2

1 without adversely affecting the reading public; and, if so, to  
2 make recommendations concerning an appropriate system of  
3 payment to authors from funds to be appropriated by the  
4 Congress or from a national trust fund established for that  
5 purpose.

6 SEC. 3. In carrying out its purposes the Commission—

7 (1) shall evaluate, report upon, and assess the rel-  
8 evance to the United States of systems in operation or  
9 under consideration in foreign countries for compensat-  
10 ing authors for the not-for-profit lending of their works;

11 (2) shall study and compile data on the various  
12 types of lending of books and similar publications; and

13 (3) if it recommends the establishment of a com-  
14 pensation system for the public lending of books or  
15 similar publications, shall also—

16 (A) consider the advantages or disadvantages  
17 of establishing such compensation by legislative  
18 and administrative action.

19 (B) consider, evaluate, and identify appropri-  
20 ate criteria for determining the amount of com-  
21 pensation, including the following:

22 (i) the number of copies sold to lending  
23 institutions,

24 (ii) the number of copies stocked by  
25 lending institutions, and



## 3

1 (iii) the number of circulations;

2 (C) identify procedures for determining and  
3 paying any such compensation without imposing  
4 upon the public libraries of the Nation burden-  
5 some administrative requirements which could  
6 have the effect of diverting significant resources of  
7 those institutions from service to the public;

8 (D) assess whether the eligibility of the  
9 author to receive compensation should be subject  
10 to specific limitations such as: (i) the copyright  
11 status of the work; (ii) the nationality or domicile  
12 of the author; (iii) the alienability or descendability  
13 of the right to compensation; or (iv) a specified  
14 term of years; and

15 (E) recommend whether a compensation  
16 system should be administered by an existing  
17 Government agency or by a new agency created  
18 for that purpose.

19 SEC. 4. (a) The Commission shall consist of eleven  
20 voting members. One such member shall be the Librarian of  
21 Congress and ten members shall be appointed by the Presi-  
22 dent, as follows—

23 (1) two members selected from authors;

24 (2) two members selected from publishers;

25 (3) three members selected from librarians; and



## 4

1           (4) three members selected from the public gener-  
2 ally.

3           (b) The members shall be appointed within 90 days after  
4 the date of enactment of this Act.

5           (c) The President shall call the first meeting of the Com-  
6 mission to be held within 90 days after appointment of all  
7 members. The Commission, at its first meeting, shall select  
8 its chairman and vice chairman from among the members of  
9 the Commission. Members may fill a vacancy in either office.  
10 The vice chairman shall act as chairman when the chairman  
11 is absent for any reason.

12          (d) Six members of the Commission shall constitute a  
13 quorum, but the Commission may establish a lesser number  
14 as a quorum for the purpose of holding hearings, taking testi-  
15 mony, and receiving evidence, in accordance with section 10.

16          (e) Any vacancy in the Commission shall not affect its  
17 powers and shall be filled in the same manner as the original  
18 appointment.

19          SEC. 5. (a) Members of the Commission, other than offi-  
20 cers or employees of the Federal Government, shall receive  
21 compensation at the rate of \$100 per day while engaged in  
22 the actual performance of Commission duties.

23          (b) All members of the Commission shall be reimbursed  
24 for travel as authorized by section 5703 of title 5 of the



## 5

1 United States Code, subsistence, and other necessary ex-  
2 penses in connection with the performance of their duties.

3 SEC. 6. (a) To assist in its studies, subject to such rules  
4 and regulations as may be adopted by the Commission, the  
5 Commission may appoint a staff which shall be an adminis-  
6 trative section of the Library of Congress. The staff shall be  
7 headed by an Executive Director, who shall be appointed by  
8 and responsible to the Commission for the administration of  
9 the duties entrusted to the staff. Such appointments may be  
10 made without regard to the provisions of title 5, United  
11 States Code, governing appointments in the competitive serv-  
12 ice, and without regard to the provisions of chapter 51 and  
13 subchapter III of chapter 53 of title 5, United States Code,  
14 or any other provision of law, relating to the number, classifi-  
15 cation, and General Schedule rates.

16 (b) The Commission may procure temporary and inter-  
17 mittent services to the extent authorized by section 3109 of  
18 title 5, United States Code, but at rates not to exceed \$100  
19 per day.

20 SEC. 7. (a) Within one year after its first meeting, the  
21 Commission shall submit to the President and to the Con-  
22 gress a preliminary report on its activities.

23 (b) Within two years after its first meeting, the Commis-  
24 sion shall submit to the President and to the Congress a final  
25 report which shall include its recommendations and its pro-



## 6

1 posals, if any, for legislation and administrative action that  
2 may be necessary to carry out those recommendations.

3 (c) In addition to the preliminary report and final report  
4 required by this section, the Commission may publish such  
5 interim reports as it deems appropriate, including consult-  
6 ant's reports, transcripts of testimony, seminar reports, and  
7 other Commission findings.

8 SEC. 8. (a) The Commission, or, with the authorization  
9 of the Commission, any three or more of its members, may,  
10 for the purpose of carrying out the provisions of this Act,  
11 holding hearings, administer oaths, and request the attend-  
12 ance and testimony of witnesses and the production of docu-  
13 mentary material.

14 (b) With the consent of the Commission, any one of its  
15 members may convene a meeting, seminar, or conference in  
16 furtherance of the purposes of the Commission.

17 SEC. 9. On the sixtieth day after the date of the submis-  
18 sion of its final report, the Commission shall terminate and all  
19 offices and employment under it shall terminate.

20 SEC. 10. There are hereby authorized to be appropri-  
21 ated such sums as may be necessary to carry out the provi-  
22 sions of this Act.



## BIBLIOGRAPHY

Arensberg, Suzi. "Guild Pursues Royalties for Library Book Loans." Authors Guild Bulletin, Summer 1984, pp. 1, 3-4.

Ashley, Sally. "Canadian Writers Win Battle for Library-Use Payments." Authors Guild Bulletin, Winter 1987, pp.1,28-30.

Astbury, Raymond. "The Situation in the United Kingdom." Library Trends, vol. 29, no. 4 (Spring 1981), pp. 661-686.

"Author Scheme Hustles to Make Tight Deadline." Feliciter, vol. 32, no. 11 (November 1986), p. 1.

Cole, John Y. "Public Lending Right, A Symposium at the Library of Congress." Library of Congress Information Bulletin, December 12, 1983, pp. 427-432.

Ellsworth, Rudolph C. "Public Lending Right in Its Canadian Context." Ontario Library Review, vol. 60, no. 1 (March 1976), pp. 22-16.

Field, Michele. "Return to Go." The Bookseller, no. 4086 (April 14, 1984), p. 1633.

"First PLR Cheques Printed." Feliciter, vol. 33, no. 4 (April 1987), p. 1.

Fisher, Susan. "Government Moves on Author Scheme." Feliciter, vol. 32, no. 6 (June 1986), pp. 1, 7.

Gasaway, Laura N. "A Public Lending Right for the United States." Arkansas Libraries, vol. 41, no. 4 (December 1984), pp.7-18.

"Guild Annual Meeting Highlights PLR Issue." Authors Guild Bulletin, May-June 1980, pp. 1, 3.

"Guild Council Votes to Study Public Lending Right for U.S. Writers." Authors Guild Bulletin, September-October 1979, pp. 1-2.

"Guild Group Begins Campaign for Authors Lending Right." Authors Guild Bulletin, Summer 1984, pp. 1-2.

Hebert, Francoise. "CACUL Copyright Workshop." Canadian Library Journal, vol. 33, no. 2 (April 1976), pp. 93-99.



Hyatt, Dennis. "Legal Aspects of Public Lending Right." Library Trends, vol. 29, no. 4 (Spring 1981), pp. 583-596.

Jones, Arthur. "Practical and Economic Considerations." Library Trends, vol. 29, no. 4 (Spring 1981), pp. 597-612.

Koch, Ole. "Situation in Countries of Continental Europe." Library Trends, vol. 29, no. 4 (Spring 1981), pp. 641-660.

Kogeson, Per. "Authors' Lending Royalty Plans in Europe Detailed." Authors Guild Bulletin, (Spring 1986), pp. 1, 21-23.

Million, Angela C. and James S. Healey. "Public Lending Right: An Overview." Public Libraries, vol. 21, no. 1 (Spring 1982), pp. 26-31.

Mitgang, Herbert. "A Penny for Their Thoughts -- How Authors Can Get Library 'Royalties.'" New York Times Book Review, March 30, 1986, pp. 3, 30.

Moon, Eric. "Our Commission, Our Omissions." Library Journal, vol. 109, no. 12 (July 1984), pp. 1283-1287.

Morrison, Perry D. "The Situation in Canada and the United States." Library Trends, vol. 29, no. 4 (Spring 1981), pp. 707-712.

Nelson, Milo. "Month in Review." Wilson Library Bulletin, vol. 58, no. 3 (November 1983), p. 168.

Nyren, Karl. "News in Review, 1986." Library Journal, vol. 112, no. 1 (January 1987), pp. 37-40.

Owen, Lynne. "Deadline in Sight for PLR Workers." Feliciter, vol. 33, no. 2 (February 1987), p. 1.

Piternick, George. "Points of View of Librarians: Alternatives to PLR." Library Trends, vol. 29, no. 4 (Spring 1981), pp. 627-640.

Piternick, George and Samuel Rothstein. "Public Lending Right Questioned." The Unabashed Librarian, no. 18 (Winter 1976), pp. 15-16.

Rasmussen, Henning. "Public Lending Right: Situation in New Zealand and Australia," Library Trends, vol. 29, no. 4 (Spring 1981), pp. 687-706.

"Reid Sponsors House Bill to Study Library Lending." Authors Guild Bulletin, March-April 1973, pp. 1, 5.



"Senate Bill Backs Study of Public Lending Right in U.S." Authors Guild Bulletin, Winter 1984, pp. 1, 3.

Stave, Thomas. "Public Lending Right: A History of the Idea." Library Trends, vol. 29, no. 4 (Spring 1981), pp. 569-582.

"Study by Columbia Center Will Probe Economics of Authorship." Authors Guild Bulletin, November-December 1979, pp. 1, 3.

Sumsion, John W. "PLR: An Appraisal." Library Association Record, vol. 88, no. 2 (February 1986), pp. 71-76.

Trewin, Ion. "British Authors Get First PLR Royalties." Publishers Weekly, vol. 225, no. 7 (February 17, 1984), p. 31.

Trewin, Ion. "PLR Payment to Authors in U.K. Increases 38%." Publishers Weekly, vol. 229, no. 7 (February 14, 1986), p. 23.

"WHCLIS II." ALA Washington Newsletter, vol. 39, no. 5 (April 20, 1987), pp. 1-3.

### Books

American Library Association. ALA World Encyclopedia of Library and Information Services. 2d ed. Chicago, 1986.

Aro, Pirkko-Liisa. "The Present Situation of Lending Rights in Finland." In Public Lending Right: Reports of an ALAI Symposium and Additional Materials, pp. 37-39. Edited by H. Cohen Jehoram. Amsterdam: Kluwer Law and Taxation Publishers, 1983. (Hereafter cited as ALAI Symposium.)

Banki, Peter. "Public Lending Right in Australia and New Zealand." In ALAI Symposium, pp. 111-117.

Bowker Annual of Library & Book Trade Information. 31st ed. New York: R.R. Bowker, 1986.

Brophy, Brigid. A Guide to Public Lending Right. Aldershot: Gower Publishing Company, 1983.

Dietz, Adolf. "Public Lending Right in the Federal Republic of Germany." In ALAI Symposium, pp. 25-34.

Europa Yearbook 1986. London: Europa Publications Ltd., 1986. vol. 1.



Findlater, Richard. Public Lending Right: A Matter of Justice. London: Andre Deutsch, 1971.

International Literary Market Place 1986-87. New York and London: R.R. Bowker Company, 1986.

Kingston, Paul A. The Columbia Economic Survey of American Authors: A Summary Of Findings. New York: Columbia University, Center for the Social Sciences, 1981.

Literary Market Place. New York: R.R. Bowker, 1986.

Nasri, William Z. "Copyright." In ALA World Encyclopedia of Library and Information Services, pp. 223-230. 2d ed. Chicago: American Library Association, 1986.

Petursson, Sigurdur Reynir. "Public Lending Right in Iceland." In ALAI Symposium, pp. 121-126.

Roszak, Theodore. The Cult of Information. New York: Pantheon Books, 1986.

Seemann, Ernest A. "A Comparative Look at Public Lending Right from the USA." In ALAI Symposium pp. 137-181.

Sijthoff-Stray, Anna Lise. "Public Lending Right in Norway." in ALAI Symposium, pp. 129-133.

Taylor, L. J. A Librarian's Handbook. London: The Library Association, 1976.

United Nations. Statistical Yearbook 1983/84. 34th ed. New York, 1986.

United Nations Educational, Scientific, and Cultural Organization (UNESCO). The ABC of Copyright. Paris, 1981.

United Nations Educational, Scientific, and Cultural Organization (UNESCO). Copyright Laws and Treaties of the World, Supplement 1981-1983. Paris, 1984.

Weincke, W. "Public Lending Right in Denmark." In ALAI Symposium, pp. 19-22.

World Almanac and Book of Facts 1987. New York: World Almanac, 1987.



### Government Documents

U.S. Congress. House. A Bill to Establish a Commission to Study and Make Recommendations on Methods for Compensating Authors for the Use of Their Books by Libraries. 93d Cong., 1st sess., 1973, H.R. 4850.

\_\_\_\_\_. A Bill to Establish a Commission to Study and Make Recommendations on the Desirability and Feasibility of Amending the Copyright Laws to Compensate Authors for the Not-for-Profit Lending of Their Works. 99th Cong., 2d sess., 1986, H.R. 5571.

\_\_\_\_\_. Senate. A Bill to Establish a Commission to Study and Make Recommendations on the Desirability and Feasibility of Amending the Copyright Laws to Compensate Authors for the Not-for-Profit Lending of Their Works. 99th Cong., 1st sess. 1985, S. 658.

### Other Sources

\_\_\_\_\_. American Library Association. "Resolution on Public Lending Right Policy Formulation." Council Document 31.9. Adopted by the Council of the American Library Association, Washington, D.C., January 11, 1984.

\_\_\_\_\_. Blanc, Michel. Executive Secretary, Canadian Public Lending Right Commission, Ottawa, Ontario. Telephone interview, March 9, 1987.

Canada. Public Lending Right Commission. Letter of information and instructions to potential applicants for public lending right payments from Andreas Schroeder, Chairman of the Commission, October 29, 1986. (Photocopied.)

\_\_\_\_\_. "Public Lending Right Commission Gears Up to Distribute \$3 Million to Canadian Writers." News release, October 23, 1986. (Photocopied.)

Cooke, Eileen D. Director, American Library Association Washington Office, Washington, D.C. Telephone interview, March 12, 1987.

Schroeder, Andreas. Chairman, Canadian Public Lending Right Commission. Montreal, Quebec. Telephone interview, March 6, 1987.

Stephenson, Helen A. Executive Director, Authors Guild, New York, New York. Letter, March 4, 1987.

\_\_\_\_\_. Telephone interview, April 3, 1987.

\_\_\_\_\_. Telephone interview, May 22, 1987.



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